



March 09, 2012

TO: Mayor and Members of Council

FROM: Denise T. Roth, Interim City Manager *DTR*

SUBJECT: Items for Your Information

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**Contact Center Weekly Report**

Attached is the weekly report generated by our Contact Center for the week of February 27, 2012 to March 2, 2012.

**Council Small Group Meetings**

Attached is the report of all Small Group Meetings for the time period of March 2, 2012 through March 8, 2012, between City Staff and [more than two but less than five] Councilmembers.

**Solid Waste Task Force Meeting**

The Solid Waste Task Force has scheduled two meetings on March 20 and March 21, from 3:30pm to 5:30pm in the Plaza Level Conference Room in the Melvin Municipal Office Building.  
(No attachments)

**Landlord/Tenant Mediation Referrals**

As a follow-up to a request from Councilmember Bellamy-Small, at the February 21, 2012, City Council meeting, attached is a memorandum from Contact Center Manager Mary Jutte, dated March 7, 2012 regarding the number of tenants calling in and requesting assistance with landlord issues.

**Carolina Field of Honor**

As a follow-up to a request from Councilmember Matheny, at the February 21, 2012, City Council meeting, attached is a memorandum from Jerome Fletcher, Assistant to the Finance Director (On Assignment in the CMO), dated March 2, 2012, regarding the Carolina Field of Honor.

**Landfill Closure Financing**

As a follow-up to a request from Councilmember Wade, at the February 28, 2012, Special Council meeting, attached is a memorandum from Field Operations Director Dale Wyrick, dated March 6, 2012, providing the specific areas, closure timelines and estimated costs regarding certain areas within the White Street Landfill that have to be closed over the next several years.

**City/County Electronic Notice Bills**

As a follow-up to a request from Councilmember Wade and Councilmember Vaughan, at the February 28, 2012, Special Council meeting, attached is a memorandum from Assistant City Attorney Tom Carruthers and Jason Senges, Elon University School of Law, dated March 2, 2012, regarding three bills that were filed during the 2011 Long Session of the General Assembly regarding electronic notice.

### **Piedmont Triad Regional Council Meeting Schedule**

As a follow-up to a request from Council at the March 6, 2012, City Council meeting, attached is a memorandum from the City Clerk Betsey Richardson, dated March 7, 2012, with the 2012 Piedmont Triad Regional Council meeting schedule.

### **Legislation for Concealed Carry in Parks (HB650)**

As a follow-up to a request from Councilmember Vaughan at the March 6, 2012, City Council meeting, attached is a memorandum from Assistant City Attorney Tom Carruthers, dated March 8, 2012, regarding the state legislation on House Bill 650, concealed carry in Parks. Additional information will be forthcoming next week in the agenda packet for the next Council meeting.

### **Public Records**

As a follow-up to a request from Councilmember Vaughan at the March 6, 2012, City Council meeting, attached is a PowerPoint presentation that was given at the April 6, 2010, City Council meeting regarding the City's protocol for public records requests.

### **GPD Personnel Complaints**

As a follow-up to a request from Mayor Pro Tem Johnson at the March 6, 2012, City Council meeting, attached is a memorandum from Police Attorney Jim Clark, dated March 8, 2012, regarding citizens complaints concerning the Greensboro Police Department.

### **Conflict of Interest in GPD Outside Employment**

As a follow-up to a request from Mayor Pro Tem Johnson at the March 6, 2012, City Council meeting, attached is a memorandum from Police Attorney Jim Clark, dated March 8, 2012, regarding the policy of outside employment in the Greensboro Police Department (GPD).

### **City Employee's Outside Employment Form**

As a follow-up to a request from Councilmember Vaughan at the March 6, 2012, City Council meeting, attached is a memorandum from Interim City Attorney Jamiah Waterman, dated March 8, 2012, regarding if Council may release a Greensboro Police Department employee's outside employment form.

### **High Point Road / Interstate 73 Interchange Project**

As a follow-up to a request from Councilmember Wade at the March 6, 2012, City Council meeting, attached is a memorandum from Transportation Director Adam Fischer, dated March 9, 2012, providing an update on this project.

### **Recycling Processing Request for Proposal**

As a follow-up to a request from Council at the March 6, 2012, City Council meeting, attached is a memorandum from Field Operations Director Dale Wyrick, dated March 9, 2012, providing a timeline for the issuance of the request for proposal for recycling processing functions.

### **Contact Center Survey**

Attached is a memorandum from Contact Center Manager Mary Jutte, dated February 6, 2012, regarding the annual Contact Center Survey, which was offered to callers during a two-week period starting January 23, 2012.

**Participatory Budget**

On March 1, 2012, the City Manager's Office, Budget and Evaluation and Finance met with David Reed and PB Representatives to discuss participatory budgeting. A follow-up meeting has been scheduled with the group for next week, after which staff will schedule a debriefing for Council.

(No attachments)

**Grants Report**

Attached is an updated list of grants for which the City intends to apply that do not require a match. Under the policy adopted by City Council, grants that do not require a match are not required to receive formal Council action.

DTR/mm

Attachments

cc: Office of the City Manager  
Global Media

**Public Affairs  
Contact Center Weekly Report  
Week of 2/27/12 - 3/2/12**

**Contact Center**

4191 calls answered this week

**Top 5 calls by area**

Water Resources

Balance Inquiry – 923  
New Sign up – 218  
General Info – 183  
Cutoff Requests – 107  
Pay by Phone – 99

Field Operations

Bulk Guidelines – 106  
Electronic Waste – 54  
Repair Can/Garbage – 52  
HHW/Transfer – 51  
Collection Day – 48

All others

Police/Watch Operations – 262  
Courts/Sheriff – 71  
Police Records – 69  
Privilege License – 67  
HR/Employment – 48

**Comments**

We received a total of 1 comment this week:

**Field Operations – 1 comment:**

- Caller wanted to thank the city for its E-Waste Recycling program. She says it helped her out a great deal and she wants the city to know it is a great service.

**Overall**

Calls about privilege licenses and employment increased last week. Calls about electronic waste collection also increased. Call volume remained steady through the end of the week.

## SMALL GROUP MEETINGS

Date	Councilmember	Department / Person Contacted	Subject	Council Notification Date
March 6, 2012	Mayor Perkins N. Hoffmann	Planning & Community Development	Meeting w/ Consultants on Gateway to Gateway Corridor	March 9, 2012
March 6, 2012	M. Abuzuaiter N. Vaughan	Planning & Community Development	Meeting w/ Consultants on Gateway to Gateway Corridor	March 9, 2012



March 7, 2012

**TO:** Denise T. Roth, Interim City Manager  
**FROM:** Mary Jutte, Contact Center Manager  
**SUBJECT:** Landlord/Tenant Mediation Referrals

The following information is provided based on a request from the February 21, 2012, Council meeting regarding the number of tenants calling in and requesting assistance with landlord issues.

In the prior fiscal year (July 1, 2010-June 30, 2011), the Contact Center referred 95 callers to the Landlord Tenant Mediation program in the Human Relations department. These callers received basic information about the program, and were given the phone number to call if they wanted to pursue their concerns by using the program. If they had immediate interest, they were transferred to the Landlord/Tenant Mediation line, 373-2272.

In this fiscal year (July 1, 2011-February 29, 2012), we have referred 73 callers through the end of February.

MJ

cc: Connie Hammond, Acting Director Public Affairs



March 2, 2012

**TO:** Denise T. Roth, Interim City Manager

**FROM:** Jerome Fletcher, Assistant to the Finance Director (On Assignment in the CMO)

**SUBJECT: Carolina Field of Honor**

The Carolina Field of Honor will be a symbol of historical fact that our community shows the highest respect and honor to past, present, and future Veterans. The 2000 Census statistics show that there are more than 150,000 veterans in the Triad, the largest concentration of Veterans in the State. Forsyth and Guilford counties have made land available for a memorial to be built, which will bring a sound foundation to the history, education and pride of the Triad.

Carolina Field of Honor will be located in Triad Park between Colfax and Kernersville and accessible to traffic that travels I-40 and I-85. In addition to a memorial plaza, there will be a parade deck and amphitheatre that can hold special events. The park will be used as both a recreational retreat and the facilities for ceremonies and events honoring those that serve. The park will promote community development, economical development, education and travel, and tourism.

The Carolina Field of Honor has an estimated construction cost of \$3.5 million and fundraising efforts are currently underway. Former Greensboro Mayor William H. Knight is on the Board of Directors of the non-profit organization, The War Memorial Foundation, which is responsible for the fundraising efforts of this project. The sole mission of the Foundation is raising funds to preserve the history of the Veterans that have served this great Nation and work with the community in preserving the past, present and future of the armed forces legacy.

The funds will go to the building or renovations of the War Memorial parks, monuments and facilities. The City of Greensboro has been asked to participate with a \$100,000 sponsorship.

AJF



March 6, 2012

**TO:** Denise T. Roth, Interim City Manager  
**FROM:** Dale Wyrick, Director, Field Operations Department  
**SUBJECT:** Landfill Closure Financing Update

Certain areas within the White Street Landfill have to be closed over the next several years to comply with State regulations. The specific areas, closure timelines and estimated costs are summarized below:

- **Partial Closure of Construction & Demolition (C&D) Landfill, Phase II.**
  - o Phase II of the White Street C&D landfill began accepting waste in 1998 with an original permitted area of approximately 25± acres. The disposal area was eventually modified and permitted to encompass a total disposal area of 65± acres.
  - o Closure of 8± acres of the site will begin Spring FY 2012-13 and the remaining 30± acres is expected to be closed no later than the end of FY 2013-14.
    - Estimates for the partial closure costs of the 38± acres site are **\$3,800,000**.
- **Partial Closure of Municipal Solid Waste (MSW) Landfill, Phase III.**
  - o Phase III of the White Street MSW landfill is approximately 51± acres and began accepting municipal solid waste in 1997.
  - o The schedule of closure of approximately 21± acres of the Phase III landfill will be scheduled within the next 1-2 years.
    - Estimates for the partial closure costs of the 21± acre site are **\$4,300,000**.
    - The closure of the remaining 30± acres is not required at this time and therefore is not included as part of this analysis.
- **Total potential cost for Phase II and Phase III is \$8,100,000.**

**Summary of Project Costs & Funding Options:**

Solid Waste Capital Reserve & Operating Funds—  
Unrestricted fund balance June 30, 2011 :

\$ 7,039,000

***Landfill closures planned FY 11-12:***

Partial Closure of C&D Landfill, Phase II (*may be less if alternative closure method approved)	(38 acres)	(3,800,000)
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***Future landfill closures (start date to be determined):***

Partial Closure of MSW Landfill, Phase III	(21 acres)	(4,300,000)
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**Estimated total closure costs for Phase II and Phase III**

**(8,100,000)**

*Additional Project Funds Required*

*(\$ 1,061,000)*

Funding options for the aggregate **\$8,100,000** in estimated landfill closure costs are as follows:

1. Available fund balances in the Solid Waste Management Capital Reserve and Operating Funds of \$7.0M, and additional General Fund transfers to the Solid Waste Management Capital Reserve Fund, or
2. Available fund balances of \$7.0M, additional General Fund transfers to Solid Waste Management Capital Reserve Fund, and issuance of 2/3 Bonds (only available beginning FY 13-14 given current debt issuance and retirement schedules), when needed.

DTR/mv

City Attorney  
City of Greensboro



March 2, 2012

**TO:** Denise T. Roth, Interim City Manager

**FROM:** Tom Carruthers, Assistant City Attorney  
Jason Senges, Elon University School of Law

**SUBJECT:** City/County Electronic Notice-HB472, SB773, and HB307

Three bills regarding electronic notice were filed during the 2011 Long Session of the General Assembly. No individual bill passed from the Chamber in which it was introduced. It would appear these bills are not eligible for consideration during the short session. (Traditional short session rules require a bill to “cross over” from one chamber to another for consideration during the short session.) However, the rules of this session are not yet adopted. The League of Municipalities indicates that these bills may remain eligible for consideration during the short session in 2012. (League *LINC Bulletin No. 22-July 2011*, The North Carolina League of Municipalities, p. 8)

### **COMPETING VIEWPOINTS ON THE ISSUE OF ELECTRONIC NOTICES**

The League of Municipalities considers the issue of electronic notices to be a “League 2011-12 Advocacy Goal.” *Id.* The *Greensboro News and Record* noted that the change in the statute could save cities and counties an estimated six (6) million dollars a year. “N.C. House effort to dump newspaper notices shelved” in *The Greensboro News and Record*, Emery P. Dalasi, May 12, 2011 (citing the North Carolina County Commissioners reporting \$2 million dollars spent in notices last year and The North Carolina League of Municipalities reporting its members spending \$4 million dollars last year in notices).

Legislators in favor of the bill believe newspapers are no longer the most effective means of communicating with the maximum number of people. “[N]ewspapers were once the best way to give citizens public notice. That has changed.” *Id.* (quoting Representative Darren Jackson).

On the other side, the North Carolina Press Association strongly opposes the legislation. *LINC Bulletin No. 22-July 2011*; “N.C. House effort to dump newspaper notices shelved” *Greensboro News and Record*. Legislators opposing the bill voiced concern that the elderly and internet-isolated, specifically citizens in rural areas, would be harmed by the legislation. “N.C. House effort to dump newspaper notices shelved” *Greensboro News and Record* (“‘It does worry me that we’re leaving out a segment of the population that in the past has been most important to all of us.’ said Rep. Mike Hager”).

### **HOUSE BILL 472**

House Bill 472 would allow all cities and counties in North Carolina to utilize electronic notice. Provisions require that notice still be kept in a book, that the notice be put on the city/county website and maintain links to all notices, and the city/county website maintains the links for at least one year after publication.

The most recent activity on HB472 was on May 24, 2011, it was re-referred to the Committee on Rules, Calendar, and Operations of the House.

### **SENATE BILL 773**

Senate Bill 773 contains essentially the same substance as House Bill 472. Most importantly, it includes all cities and counties in North Carolina.

The most recent activity on SB773 was on April 28, 2011 it passed first reading and was referred to the Committee on the Judiciary.

### **HOUSE BILL 307**

House Bill 307 is narrowly tailored for the Counties of Wake and Cabarrus, and the towns of Cary, Clayton, Wendell, and Zebulon. If passed it would not affect Guilford County or the City of Greensboro in its current form.

The most recent activity on HB307 was on July 27, 2011, it was withdrawn from the Committee on Job Development Subcommittee on Science and Technology and re-referred to the Committee on Rules, Calendar, and Operations of the House.

### **CONCLUSION**

It does not appear these bills will be considered this session.

TDC/JS

Office of the City Clerk  
City of Greensboro



March 7, 2012

**TO:** Denise Turner Roth, Interim City Manager

**FROM:** Betsey Richardson, City Clerk (BR)

**SUBJECT:** Piedmont Triad Regional Council Meeting Schedule

At the March 6, 2012 Council meeting several members requested a copy of the Piedmont Triad Regional Council meeting schedule prior to making a commitment to serve in former Councilmember Mary Rakestraw's position. Attached please find the schedule of all of the meetings the Council representative would be required to attend.

Please let me know if you need additional information.

BR

Attachment - Meeting Schedule

**PTRC Board of Delegates and  
PTRC Executive Committee Meeting Dates  
2012**

**Paul J. Ciener Botanical Gardens  
215 South Main Street  
Kernersville, NC  
12:00 Noon**

<b>PTRC Executive Committee 1<sup>st</sup> Wednesday</b>	<b>PTRC Board of Delegates 3<sup>rd</sup> Wednesday</b>
January – None	January – None
February – Wednesday, February 1, 2012	February, Wednesday, February 15, 2012
March – Wednesday, March 7, 2012	March – None
April – Wednesday, April 4, 2012	April - Wednesday, April 18, 2012
May – Wednesday, May 2, 2012	May – None
June – Wednesday, June 6, 2012	June - Wednesday, June 20, 2012
July – None	July – None
August – Wednesday, August 1, 2012	August - Wednesday, August 15, 2012
September - Wednesday, September 5, 2012	September – None
October - Wednesday, October 3, 2012	October - Wednesday, October 17, 2012
November - Wednesday, November 7, 2012	November – None
December - Wednesday, December 5, 2012	December - Wednesday, December 19, 2012



**PIEDMONT TRIAD  
REGIONAL COUNCIL**

City Attorney  
City of Greensboro



March 8, 2012

**TO:** Denise T. Roth, Interim City Manager

**FROM:** Tom Carruthers, Assistant City Attorney

**SUBJECT:** Recently enacted laws regarding the right to possess a firearm

At the request of Councilmember Vaughan at the March 6, 2012, City Council meeting, attached is the North Carolina General Assembly House Bill 650, which was enacted on June 16, 2011. It was signed by Governor Perdue on June 23, 2011, and became state law 2011-268. This bill codified a number of material changes in the rights of the citizens of North Carolina to purchase, carry and use firearms in this state.

One portion of this bill is of particular interest to the City of Greensboro. The General Assembly prescribed a uniform system for the regulation of legally carried concealed handguns. Municipalities or counties are no longer enabled to enact ordinances regarding concealed handguns, except in two instances. Concealed handguns may be prohibited in local government buildings and appurtenant premises. Concealed handguns may also be prohibited in specifically identified municipal or county recreational facilities, such as a playground, athletic field, swimming pool, or athletic facility. If a municipality enacts a recreational facility ban, handguns are still permitted to be secured in a vehicle in a locked enclosure in a motor vehicle.

Individuals with a valid concealed carry permit may now carry these firearms on the grounds and waters of State Parks. This state law recognizes the validity of out of state concealed carry handgun permits. It also permits out of state gun purchases by North Carolina residents, in appropriate circumstances.

TDC  
Attachment

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

SESSION LAW 2011-268  
HOUSE BILL 650

AN ACT TO PROVIDE WHEN A PERSON MAY USE DEFENSIVE FORCE AND TO  
AMEND VARIOUS LAWS REGARDING THE RIGHT TO OWN, POSSESS, OR  
CARRY A FIREARM IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 14 of Chapter 14 of the General Statutes is amended by adding the following new sections to read:

**"§ 14-51.2. Home, workplace, and motor vehicle protection; presumption of fear of death or serious bodily harm.**

(a) The following definitions apply in this section:

- (1) Home. – A building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.
- (2) Law enforcement officer. – Any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, probation officer, post-release supervision officer, or parole officer.
- (3) Motor vehicle. – As defined in G.S. 20-4.01(23).
- (4) Workplace. – A building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.

(b) The lawful occupant of a home, motor vehicle, or workplace is presumed to have held a reasonable fear of imminent death or serious bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or serious bodily harm to another if both of the following apply:

- (1) The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a home, motor vehicle, or workplace, or if that person had removed or was attempting to remove another against that person's will from the home, motor vehicle, or workplace.
- (2) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.

(c) The presumption set forth in subsection (b) of this section shall be rebuttable and does not apply in any of the following circumstances:

- (1) The person against whom the defensive force is used has the right to be in or is a lawful resident of the home, motor vehicle, or workplace, such as an owner or lessee, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person.
- (2) The person sought to be removed from the home, motor vehicle, or workplace is a child or grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom the defensive force is used.
- (3) The person who uses defensive force is engaged in, attempting to escape from, or using the home, motor vehicle, or workplace to further any criminal offense that involves the use or threat of physical force or violence against any individual.



(4) The person against whom the defensive force is used is a law enforcement officer or bail bondsman who enters or attempts to enter a home, motor vehicle, or workplace in the lawful performance of his or her official duties, and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.

(5) The person against whom the defensive force is used (i) has discontinued all efforts to unlawfully and forcefully enter the home, motor vehicle, or workplace and (ii) has exited the home, motor vehicle, or workplace.

(d) A person who unlawfully and by force enters or attempts to enter a person's home, motor vehicle, or workplace is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

(e) A person who uses force as permitted by this section is justified in using such force and is immune from civil or criminal liability for the use of such force, unless the person against whom force was used is a law enforcement officer or bail bondsman who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.

(f) A lawful occupant within his or her home, motor vehicle, or workplace does not have a duty to retreat from an intruder in the circumstances described in this section.

(g) This section is not intended to repeal or limit any other defense that may exist under the common law.

**"§ 14-51.3. Use of force in defense of person; relief from criminal or civil liability.**

(a) A person is justified in using force, except deadly force, against another when and to the extent that the person reasonably believes that the conduct is necessary to defend himself or herself or another against the other's imminent use of unlawful force. However, a person is justified in the use of deadly force and does not have a duty to retreat in any place he or she has the lawful right to be if either of the following applies:

(1) He or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another.

(2) Under the circumstances permitted pursuant to G.S. 14-51.2.

(b) A person who uses force as permitted by this section is justified in using such force and is immune from civil or criminal liability for the use of such force, unless the person against whom force was used is a law enforcement officer or bail bondsman who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.

**"§ 14-51.4. Justification for defensive force not available.**

The justification described in G.S. 14-51.2 and G.S. 14-51.3 is not available to a person who used defensive force and who:

(1) Was attempting to commit, committing, or escaping after the commission of a felony.

(2) Initially provokes the use of force against himself or herself. However, the person who initially provokes the use of force against himself or herself will be justified in using defensive force if either of the following occur:

a. The force used by the person who was provoked is so serious that the person using defensive force reasonably believes that he or she was in imminent danger of death or serious bodily harm, the person using defensive force had no reasonable means to retreat, and the use of force which is likely to cause death or serious bodily harm to the person who was provoked was the only way to escape the danger.

b. The person who used defensive force withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that he or she desires to withdraw and terminate the use of

force, but the person who was provoked continues or resumes the use of force."

**SECTION 2.** G.S. 14-51.1 is repealed.

**SECTION 3.** G.S. 14-269 reads as rewritten:

**"§ 14-269. Carrying concealed weapons.**

(a) It shall be unlawful for any person willfully and intentionally to carry concealed about his person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other deadly weapon of like kind, except when the person is on the person's own premises.

(a1) It shall be unlawful for any person willfully and intentionally to carry concealed about his person any pistol or gun except in the following circumstances:

- (1) The person is on the person's own premises.
- (2) The deadly weapon is a handgun, ~~and~~ the person has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under ~~G.S. 14-415.24~~G.S. 14-415.24, and the person is carrying the concealed handgun in accordance with the scope of the concealed handgun permit as set out in G.S. 14-415.11(c).
- (3) The deadly weapon is a handgun and the person is a military permittee as defined under G.S. 14-415.10(2a) who provides to the law enforcement officer proof of deployment as required under G.S. 14-415.11(a).

(b) This prohibition shall not apply to the following persons:

- (1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;
- (2) Civil and law enforcement officers of the United States;
- (3) Officers and soldiers of the militia and the National Guard when called into actual service;
- (4) Officers of the State, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties;

(4a) Any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while in a courtroom or while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The district attorney, assistant district attorney, or investigator shall secure the weapon in a locked compartment when the weapon is not on the person of the district attorney, assistant district attorney, or investigator;

(4b) Any person who meets all of the following conditions:

- a. Is a qualified retired law enforcement officer as defined in G.S. 14-415.10.
- b. Is the holder of a concealed handgun permit in accordance with Article 54B of this Chapter.
- c. Is certified by the North Carolina Criminal Justice Education and Training Standards Commission pursuant to G.S. 14-415.26.

(4c) Detention personnel or correctional officers employed by the State or a unit of local government who park a vehicle in a space that is authorized for their use in the course of their duties may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, provided that: (i) the firearm is in a closed compartment or container within the locked vehicle, or (ii) the firearm is in a locked container securely affixed to the vehicle.

- (5) Sworn law-enforcement officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body.

...."

**SECTION 4.** G.S. 14-269.2(b) reads as rewritten:

"(b) It shall be a Class I felony for any person knowingly to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school. Unless the conduct is covered under some other provision of law providing greater punishment, any person who willfully discharges a firearm of any kind on educational property is guilty of a Class F felony. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol."

**SECTION 5.** G.S. 14-269.4 reads as rewritten:

**"§ 14-269.4. Weapons on certain State property and in courthouses.**

It shall be unlawful for any person to possess, or carry, whether openly or concealed, any deadly weapon, not used solely for instructional or officially sanctioned ceremonial purposes in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings, and in any building housing any court of the General Court of Justice. If a court is housed in a building containing nonpublic uses in addition to the court, then this prohibition shall apply only to that portion of the building used for court purposes while the building is being used for court purposes.

This section shall not apply ~~to~~ to any of the following:

- (1) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,
- (1a) A person exempted by the provisions of ~~G.S. 14-269(b)~~, G.S. 14-269(b).
- (2) through (4) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,
- (4a) Any person in a building housing a court of the General Court of Justice in possession of a weapon for evidentiary purposes, to deliver it to a law-enforcement agency, or for purposes of ~~registration~~, registration.
- (4b) Any district court judge or superior court judge who carries or possesses a concealed handgun in a building housing a court of the General Court of Justice if the judge is in the building to discharge his or her official duties and the judge has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under ~~G.S. 14-415.24~~, G.S. 14-415.24.
- (4c) Firearms in a courthouse, carried by detention officers employed by and authorized by the sheriff to carry ~~firearms~~, firearms.
- (4d) Any magistrate who carries or possesses a concealed handgun in any portion of a building housing a court of the General Court of Justice other than a courtroom itself unless the magistrate is presiding in that courtroom, if the magistrate (i) is in the building to discharge the magistrate's official duties, (ii) has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, (iii) has successfully completed a one-time weapons retention training substantially similar to that provided to certified law enforcement officers in North Carolina, and (iv) secures the weapon in a locked compartment when the weapon is not on the magistrate's ~~person~~, person.
- (5) State-owned rest areas, rest stops along the highways, and State-owned hunting and fishing reservations.
- (6) A person with a permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24 who has a firearm in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. A person may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor."

**SECTION 6.** G.S. 14-269.7(a) reads as rewritten:

"(a) Any minor who willfully and intentionally possesses or carries a handgun is guilty of a ~~Class 2~~ Class 1 misdemeanor."

**SECTION 7.** G.S. 14-269.8(a) reads as rewritten:

"(a) In accordance with G.S. 50B-3.1, it is unlawful for any person to ~~own~~, possess, purchase, or receive or attempt to ~~own~~, possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed

firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to Chapter 50B of the General Statutes is in effect."

**SECTION 8.** G.S. 14-288.8(b) reads as rewritten:

"(b) This section does not apply ~~to~~ to any of the following:

- (1) Persons exempted from the provisions of G.S. 14-269 with respect to any activities lawfully engaged in while carrying out their duties.
- (2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses.
- (3) Persons under contract with the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts.
- (4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.
- (5) Persons who lawfully possess or own a weapon as defined in subsection (c) of this section in compliance with 26 U.S.C. Chapter 53, §§ 5801-5871. Nothing in this subdivision shall limit the discretion of the sheriff in executing the paperwork required by the United States Bureau of Alcohol, Tobacco and Firearms for such person to obtain the weapon."

**SECTION 9.** G.S. 14-409(b) reads as rewritten:

"(b) It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons as defined by subsection (a) of this section: Provided, however, that this subsection shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States Army, when in discharge of their official duties, officers and soldiers of the militia when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is ~~located~~ located; a person who lawfully possesses or owns a weapon as defined by subsection (a) of this section in compliance with 26 U.S.C. Chapter 53, §§ 5801-5871. Nothing in this subdivision shall limit the discretion of the sheriff in executing the paperwork required by the United States Bureau of Alcohol, Tobacco and Firearms for such person to obtain the weapon. Provided, further, that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives."

**SECTION 10.** G.S. 14-404(d) reads as rewritten:

"(d) Nothing in this Article shall apply to officers authorized by law to carry firearms if the officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms and ~~state that the purpose for the purchase of the firearms is directly related to the law officers' official duties~~ provide any of the following:

- (1) A letter signed by the officer's supervisor or superior officer stating that the officer is authorized by law to carry a firearm.
- (2) A current photographic identification card issued by the officer's employer.
- (3) A current photographic identification card issued by a State agency that identifies the individual as a law enforcement officer certified by the State of North Carolina.
- (4) A current identification card issued by the officer's employer and another form of current photographic identification."

**SECTION 11.** Article 53A of Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-408.1. Solicit unlawful purchase of firearm; unlawful to provide materially false information regarding legality of firearm or ammunition transfer.**

(a) The following definitions apply in this section:

- (1) Ammunition. – Any cartridge, shell, or projectile designed for use in a firearm.
- (2) Firearm. – A handgun, shotgun, or rifle which expels a projectile by action of an explosion.
- (3) Handgun. – A pistol, revolver, or other gun that has a short stock and is designed to be held and fired by the use of a single hand.
- (4) Licensed dealer. – A person who is licensed pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms.
- (5) Materially false information. – Information that portrays an illegal transaction as legal or a legal transaction as illegal.
- (6) Private seller. – A person who sells or offers for sale any firearm, as defined in G.S. 14-409.39, or ammunition.

(b) Any person who knowingly solicits, persuades, encourages, or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances that the person knows would violate the laws of this State or the United States is guilty of a Class F felony.

(c) Any person who provides to a licensed dealer or private seller of firearms or ammunition information that the person knows to be materially false information with the intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a Class F felony.

(d) Any person who willfully procures another to engage in conduct prohibited by this section shall be held accountable as a principal.

(e) This section does not apply to a law enforcement officer acting in his or her official capacity or to a person acting at the direction of the law enforcement officer."

**SECTION 12.** G.S. 14-409.10 reads as rewritten:

**"§ 14-409.10. Purchase of rifles and shotguns out of State.**

It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition therefor in states contiguous to this State. Unless otherwise prohibited by law, a citizen of this State may purchase a firearm in another state if the citizen undergoes a background check that satisfies the law of the state of purchase and that includes an inquiry of the National Instant Background Check System."

**SECTION 13.** G.S. 14-415.1 reads as rewritten:

**"§ 14-415.1. Possession of firearms, etc., by felon prohibited.**

(a) It shall be unlawful for any person who has been convicted of a felony to purchase, own, possess, or have in his custody, care, or control any firearm or any weapon of mass death and destruction as defined in G.S. 14-288.8(c). For the purposes of this section, a firearm is (i) any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or its frame or receiver, or (ii) any firearm muffler or firearm silencer. This section does not apply to an antique firearm, as defined in G.S. 14-409.11.

Every person violating the provisions of this section shall be punished as a Class G felon.

(b) Prior convictions which cause disqualification under this section shall only include:

- (1) Felony convictions in North Carolina that occur before, on, or after December 1, 1995; and
- (2) Repealed by Session Laws 1995, c. 487, s. 3, effective December 1, 1995.
- (3) Violations of criminal laws of other states or of the United States that occur before, on, or after December 1, 1995, and that are substantially similar to the crimes covered in subdivision (1) which are punishable where committed by imprisonment for a term exceeding one year.

When a person is charged under this section, records of prior convictions of any offense, whether in the courts of this State, or in the courts of any other state or of the United States, shall be admissible in evidence for the purpose of proving a violation of this section. The term "conviction" is defined as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is ~~permissible, authorized,~~

without regard to the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a plea of guilty by the defendant to such an offense certified to a superior court of this State from the custodian of records of any state or federal court shall be prima facie evidence of the facts so certified.

(c) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type of offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place and the verdict and judgment rendered therein.

(d) This section does not apply to a person ~~whose firearms rights have been restored under G.S. 14-415.4, unless the person is convicted of a subsequent felony after the petition to restore the person's firearms rights is granted, who, pursuant to the law of the jurisdiction in which the conviction occurred, has been pardoned or has had his or her firearms rights restored if such restoration of rights could also be granted under North Carolina law.~~

(e) This section does not apply and there is no disentitlement under this section if the felony conviction is a violation under the laws of North Carolina, another state, or the United States that pertains to antitrust violations, unfair trade practices, or restraints of trade."

**SECTION 14.** G.S. 14-415.11 reads as rewritten:

**"§ 14-415.11. Permit to carry concealed handgun; scope of permit.**

(a) Any person who has a concealed handgun permit may carry a concealed handgun unless otherwise specifically prohibited by law. The person shall carry the permit together with valid identification whenever the person is carrying a concealed handgun, shall disclose to any law enforcement officer that the person holds a valid permit and is carrying a concealed handgun when approached or addressed by the officer, and shall display both the permit and the proper identification upon the request of a law enforcement officer. In addition to these requirements, a military permittee whose permit has expired during deployment may carry a concealed handgun during the 90 days following the end of deployment and before the permit is renewed provided the permittee also displays proof of deployment to any law enforcement officer.

(b) The sheriff shall issue a permit to carry a concealed handgun to a person who qualifies for a permit under G.S. 14-415.12. The permit shall be valid throughout the State for a period of five years from the date of issuance.

(c) ~~A~~ Except as provided in G.S. 14-415.27, a permit does not authorize a person to carry a concealed handgun in any of the following:

- (1) ~~areas~~ Areas prohibited by G.S. 269.2, 14-269.3, 14-269.4, and 14-277.2, G.S. 14-269.2, 14-269.3, and 14-277.2.
- (2) Areas prohibited by G.S. 14-269.4, except as allowed under G.S. 14-269.4(6).
- (3) ~~in~~ In an area prohibited by rule adopted under G.S. 120-32.1, G.S. 120-32.1.
- (4) ~~in~~ In any area prohibited by 18 U.S.C. § 922 or any other federal law, law.
- (5) ~~in~~ In a law enforcement or correctional facility, facility.
- (6) ~~in~~ In a building housing only State or federal offices, offices.
- (7) ~~in~~ In an office of the State or federal government that is not located in a building exclusively occupied by the State or federal government, government.
- (8) ~~a financial institution, or on any other premises, except state-owned rest areas or state-owned rest stops along the highways, On any private premises~~ where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice or statement by the person in legal possession or control of the premises.

(c1) Any person who has a concealed handgun permit may carry a concealed handgun on the grounds or waters of a park within the State Parks System as defined in G.S. 113-44.9.

(c2) It shall be unlawful for a person, with or without a permit, to carry a concealed handgun while consuming alcohol or at any time while the person has remaining in ~~his~~ the person's body any alcohol or in ~~his~~ the person's blood a controlled substance previously consumed, but a person does not violate this condition if a controlled substance in ~~his~~ the

person's blood was lawfully obtained and taken in therapeutically appropriate amounts-amounts or if the person is on the person's own property.

(c3) As provided in G.S. 14-269.4(5), it shall be lawful for a person to carry any firearm openly, or to carry a concealed handgun with a concealed carry permit, at any State-owned rest area, at any State-owned rest stop along the highways, and at any State-owned hunting and fishing reservation.

(d) A person who is issued a permit shall notify the sheriff who issued the permit of any change in the person's permanent address within 30 days after the change of address. If a permit is lost or destroyed, the person to whom the permit was issued shall notify the sheriff who issued the permit of the loss or destruction of the permit. A person may obtain a duplicate permit by submitting to the sheriff a notarized statement that the permit was lost or destroyed and paying the required duplicate permit fee."

**SECTION 15.** G.S. 14-415.13(a)(5) reads as rewritten:

"(a) A person shall apply to the sheriff of the county in which the person resides to obtain a concealed handgun permit. The applicant shall submit to the sheriff all of the following:

- ...
- (5) A release, in a form to be prescribed by the Administrative Office of the Courts, that authorizes and requires disclosure to the sheriff of any records concerning the mental health or capacity of the ~~applicant~~applicant to be used for the sole purpose of determining whether the applicant is disqualified for a permit under the provisions of G.S. 14-415.12. This provision does not prohibit submitting information related to involuntary commitment to the National Instant Criminal Background Check System (NICS)."

**SECTION 16.** G.S. 14-415.14(b) reads as rewritten:

"(b) The permit application shall also contain a warning substantially as follows:

"CAUTION: Federal law and State law on the possession of handguns and firearms may differ. If you are prohibited by federal law from possessing a handgun or a firearm, you may be prosecuted in federal court. A State permit is not a defense to a federal prosecution.""

**SECTION 17.** G.S. 14-415.15 reads as rewritten:

**"§ 14-415.15. Issuance or denial of permit.**

(a) Except as permitted under subsection (b) of this section, within ~~90~~45 days after receipt of the items listed in G.S. 14-415.13 from an applicant, and receipt of the required records concerning the mental health or capacity of the applicant, the sheriff shall either issue or deny the permit. The sheriff may conduct any investigation necessary to determine the qualification or competency of the person applying for the permit, including record checks.

(b) Upon presentment to the sheriff of the items required under G.S. 14-415.13 (a)(1), (2), and (3), the sheriff may issue a temporary permit for a period not to exceed ~~90~~45 days to a person who the sheriff reasonably believes is in an emergency situation that may constitute a risk of safety to the person, the person's family or property. The applicant may submit proof of a protective order issued under G.S. 50B-3 for the protection of the applicant as evidence of an emergency situation. The temporary permit may not be renewed and may be revoked by the sheriff without a hearing.

(c) A person's application for a permit shall be denied only if the applicant fails to qualify under the criteria listed in this Article. If the sheriff denies the application for a permit, the sheriff shall, within ~~90-45~~45 days, notify the applicant in writing, stating the grounds for denial. An applicant may appeal the denial, revocation, or nonrenewal of a permit by petitioning a district court judge of the district in which the application was filed. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal. The determination by the court shall be final."

**SECTION 18.** G.S. 14-415.16 reads as rewritten:

**"§ 14-415.16. Renewal of permit.**

(a) At least 45 days prior to the expiration date of a permit, the sheriff of the county where the permit was issued shall send a written notice to the permittee explaining that the permit is about to expire and including information about the requirements for renewal of the permit. The notice shall be sent by first class mail to the last known address of the permittee. Failure to receive a renewal notice shall not relieve a permittee of requirements imposed in this section for renewal of the permit.

(b) The holder of a permit shall apply to renew the permit within the 90-day period prior to its expiration date by filing with the sheriff of the county in which the person resides a renewal form provided by the sheriff's office, ~~a notarized~~ an affidavit stating that the permittee remains qualified under the criteria provided in this Article, a newly administered full set of the permittee's fingerprints, and a renewal fee.

(c) Upon receipt of the completed renewal ~~application, including the permittee's fingerprints, application~~ and the appropriate payment of fees, the sheriff shall determine if the permittee remains qualified to hold a permit in accordance with the provisions of G.S. 14-415.12. The permittee's criminal history shall be updated, including with another inquiry of the National Instant Criminal Background Check System (NICS), and the sheriff may waive the requirement of taking another firearms safety and training course. If the permittee applies for a renewal of the permit within the 90-day period prior to its expiration date and if the permittee remains qualified to have a permit under G.S. 14-415.12, the sheriff shall renew the permit. The permit of a permittee who complies with this section shall remain valid beyond the expiration date of the permit until the permittee either receives a renewal permit or is denied a renewal permit by the sheriff.

(d) No fingerprints shall be required for a renewal permit if the applicant's fingerprints were submitted to the State Bureau of Investigation after June 30, 2001, on the Automated Fingerprint Information System (AFIS) as prescribed by the State Bureau of Investigation.

(e) If the permittee does not apply to renew the permit prior to its expiration date, but does apply to renew the permit within 60 days after the permit expires, the sheriff may waive the requirement of taking another firearms safety and training course. This subsection does not extend the expiration date of the permit."

**SECTION 19.** G.S. 14-415.17 reads as rewritten:

**"§ 14-415.17. Permit; sheriff to retain and make available to law enforcement agencies a list of permittees.**

The permit shall be in a certificate form, as prescribed by the Administrative Office of the Courts, that is approximately the size of a North Carolina drivers license. It shall bear the signature, name, address, date of birth, and ~~social security number of the permittee, and the drivers license identification number used in applying for the permit.~~ The sheriff shall maintain a ~~listing-listing, including the identifying information, of those persons who are issued a permit and any pertinent information regarding the issued permit-permit.~~ listing-listing, including the identifying information, of those persons who are issued a permit. The permit information shall be available upon request to all State and local law enforcement agencies.

Within five days of the date a permit is issued, the sheriff shall send a copy of the permit to the State Bureau of Investigation. The State Bureau of Investigation shall make this information available to law enforcement officers and clerks of court on a statewide system."

**SECTION 20.** G.S. 14-415.18(a) reads as rewritten:

"(a) The sheriff of the county where the permit was issued or the sheriff of the county where the person resides may revoke a permit subsequent to a hearing for any of the following reasons:

- (1) Fraud or intentional ~~or~~ and material misrepresentation in the obtaining of a permit.
- (2) Misuse of a permit, including lending or giving a permit or a duplicate permit to another person, ~~duplicate~~ materially altering a permit, or using a permit with the intent to unlawfully cause harm to a person or property. It shall not be considered misuse of a permit to provide a duplicate of the permit to a vender for record-keeping purposes.
- (3) The doing of an act or existence of a condition which would have been grounds for the denial of the permit by the sheriff.
- (4) The violation of any of the terms of this Article.
- (5) The applicant is adjudicated guilty of or receives a prayer for judgment continued for a crime which would have disqualified the applicant from initially receiving a permit.

A permittee may appeal the revocation, or nonrenewal of a permit by petitioning a district court judge of the district in which the applicant resides. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal."

**SECTION 21.(a)** G.S. 14-415.21 reads as rewritten:

**"§ 14-415.21. Violations of this Article punishable as an ~~infraction and a Class 2 misdemeanor~~ infraction.**

(a) A person who has been issued a valid permit who is found to be carrying a concealed handgun without the permit in the person's possession or who fails to disclose to any law enforcement officer that the person holds a valid permit and is carrying a concealed handgun, as required by G.S. 14-415.11, shall be guilty of an infraction ~~for the first offense~~ and shall be punished in accordance with G.S. 14-3.1. In lieu of paying a fine ~~for the first offense~~, the person may surrender the permit. ~~Subsequent offenses for failing to carry a valid permit or for failing to make the necessary disclosures to a law enforcement officer as required by G.S. 14-415.11 shall be punished in accordance with subsection (b) of this section.~~

(b) A person who violates the provisions of this Article other than as set forth in subsection (a) of this section is guilty of a Class 2 misdemeanor."

**SECTION 21.(b)** G.S. 14-415.23 reads as rewritten:

**"§ 14-415.23. Statewide uniformity.**

It is the intent of the General Assembly to prescribe a uniform system for the regulation of legally carrying a concealed handgun. To insure uniformity, no political subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal corporation, town, township, village, nor any department or agency thereof, may enact ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of local government may adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government ~~buildings, their appurtenant premises, and parks.~~buildings and their appurtenant premises. A unit of local government may ~~adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun on municipal and county recreational facilities that are specifically identified by the unit of local government.~~adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun on municipal and county recreational facilities that are specifically identified by the unit of local government. If a unit of local government adopts such an ordinance with regard to recreational facilities, then the concealed handgun permittee may, nevertheless, secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle. For purposes of this section, the term "recreational facilities" includes only the following: a playground, an athletic field, a swimming pool, and an athletic facility."

**SECTION 22.(a)** G.S. 14-415.24 reads as rewritten:

**"§ 14-415.24. Reciprocity; out-of-state handgun permits.**

(a) A valid concealed handgun permit or license issued by another state is valid in North Carolina ~~if that state grants the same right to residents of North Carolina who have valid concealed handgun permits issued pursuant to this Article in their possession while carrying concealed weapons in that state.~~North Carolina.

(b) ~~The Attorney General shall maintain a registry of states that meet the requirements of this section on the North Carolina Criminal Information Network and make the registry available to law enforcement officers for investigative purposes.~~

(c) Every 12 months after the effective date of this subsection, the Department of Justice shall make written inquiry of the concealed handgun permitting authorities in each other state as to: (i) whether a North Carolina resident may carry a concealed handgun in their state based upon having a valid North Carolina concealed handgun permit and (ii) whether a North Carolina resident may apply for a concealed handgun permit in that state based upon having a valid North Carolina concealed handgun permit. The Department of Justice shall attempt to secure from each state permission for North Carolina residents who hold a valid North Carolina concealed handgun permit to carry a concealed handgun in that state, either on the basis of the North Carolina permit or on the basis that the North Carolina permit is sufficient to permit the issuance of a similar license or permit by the other state."

**SECTION 22.(b)** Article 54B of Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-415.27. Expanded permit scope for district attorneys, assistant district attorneys, and investigators employed by office of the district attorney.**

Notwithstanding G.S. 14-415.11(c), any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued pursuant to this Article or that is considered valid under G.S. 14-415.24 is not subject to the restrictions and prohibitions set out in G.S. 14-415.11(c) and may carry a concealed handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law."

**SECTION 23.** G.S. 50B-3.1(d) reads as rewritten:

"(d) Surrender. – Upon service of the order, the defendant shall immediately surrender to the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms,

and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the defendant. In the event that weapons cannot be surrendered at the time the order is served, the defendant shall surrender the firearms, ammunitions, and permits to the sheriff within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the firearms or contract with a licensed firearms dealer to provide storage.

- (1) If the court orders the defendant to surrender firearms, ammunition, and permits, the court shall inform the plaintiff and the defendant of the terms of the protective order and include these terms on the face of the order, including that the defendant is prohibited from ~~owning~~—possessing, purchasing, or receiving or attempting to ~~own~~—possess, purchase, or receive a firearm for so long as the protective order or any successive protective order is in effect. The terms of the order shall include instructions as to how the defendant may request retrieval of any firearms, ammunition, and permits surrendered to the sheriff when the protective order is no longer in effect. The terms shall also include notice of the penalty for violation of G.S. 14-269.8.
- (2) The sheriff may charge the defendant a reasonable fee for the storage of any firearms and ammunition taken pursuant to a protective order. The fees are payable to the sheriff. The sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be used by the sheriff to pay the costs of administering this section and for other law enforcement purposes. The county shall expend the restricted funds for these purposes only. The sheriff shall not release firearms, ammunition, or permits without a court order granting the release. The defendant must remit all fees owed prior to the authorized return of any firearms, ammunition, or permits. The sheriff shall not incur any civil or criminal liability for alleged damage or deterioration due to storage or transportation of any firearms or ammunition held pursuant to this section."

**SECTION 24.** G.S. 50B-3.1(j) reads as rewritten:

"(j) Violations. – In accordance with G.S. 14-269.8, it is unlawful for any person to ~~own~~—possess, purchase, or receive or attempt to ~~own~~—possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to this Chapter is in effect. Any defendant violating the provisions of this section shall be guilty of a Class H felony."

**SECTION 25.** G.S. 120-32.1 is amended by adding a new subsection to read:

"(c1) No rule adopted under this section shall prohibit the transportation or storage of a firearm in a closed compartment or container within a person's locked vehicle or in a locked container securely affixed to a person's vehicle. Notwithstanding any other provision of law, a legislator or legislative employee who parks a vehicle in a State-owned parking space that is leased or assigned to that legislator or legislative employee may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, provided that: (i) the firearm is in a closed compartment or container within the legislator's or legislative employee's locked vehicle, or (ii) the firearm is in a locked container securely affixed to the legislator or legislative employee's vehicle."

**SECTION 26.** This act becomes effective December 1, 2011, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

In the General Assembly read three times and ratified this the 17<sup>th</sup> day of June, 2011.

s/ Walter H. Dalton  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 5:00 p.m. this 23<sup>rd</sup> day of June, 2011



City of Greensboro  
**City Council**  
Agenda Item

**TITLE:** Public Records Request Protocol

Department: CMO	Current Date: 03.29.10
Contact 1: Denise Turner <i>D. Turner</i>	Public Hearing: N/A
Phone: 373-2002	Advertising Date:
Contact 2:	Advertised By:
Phone:	Authorized Signature:
Attachments:	

**PURPOSE** Update Council on the public records protocol as it relates to handling of public record requests.

**BACKGROUND** City staff has undertaken an evaluation of the City's current handling of requests for public records with a goal to create the most transparent and responsive system practical for responding to public requests for documents/information. This effort initially began as a response to the Neighborhood Congress' policy recommendation presented to City Council in June of 2008. In establishing the City's protocol, we have taken into account experience of other stakeholders, such as the media, as we work to develop this process.

Process Highlights

*The goal of this protocol is to emphasize responsiveness and accountability, the basic tenants are:*

- Respond to requests for public records as quickly as possible
- 2-business days as the organizational standard
- Inform residents of when they will receive a response if 2-days is not sufficient; commit to provide the response as quickly as possible

**BUDGET IMPACT** None

**RECOMMENDATION/ACTION REQUESTED** No council action necessary



# City's Protocol for Public Records Requests

Denise Turner, Assistant City Manager  
April 6, 2010



## Goal

To create the most transparent and  
responsive system practical for  
responding to public requests for  
documents/information



## Reasons for Protocol

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- New protocol will NOT:
  - Restrict requests to one office
  - Restrict requests to one person in a department
  - Add artificial time to requests
- New protocol WILL:
  - Result in improved tracking of requests
  - Be highly responsive to requests
  - Help employees manage workload

3



## Types of Requests

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- Service requests: already handled through automated systems (including Contact Center)
- Records/Information requests
  - Simple
  - Complex

4



## Types of Requests

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- **Simple Requests**

Can generally be answered by person receiving request or a single referral, without extensive research or involvement of others

- **Complex Requests**

May involve multiple departments, records that are not easily accessible, computer searches, or Legal review

5



## Complex Requests

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- **Five steps in the protocol:**
  1. Set service delivery priorities
  2. Monitor progress
  3. Establish accountability for results
  4. Provide additional training to staff
  5. Use existing technology (PIRT System)

6



## Next steps

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- Meet with media and Neighborhood Congress to present proposal
- Incorporate feedback into process
- Bring process back to City Council for concurrence
- Upgrade technology where necessary
- Conduct training for employees
- Inform all stakeholders of new process

7



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Questions?

Office of the City Attorney  
City of Greensboro



March 9, 2012

TO: Denise T. Roth, Interim City Manager

FROM: Jim Clark, Police Attorney

SUBJECT: Police Department personnel complaints from Ben Holder and  
Charles Cherry

The City has received complaints concerning the misconduct of Greensboro Police Department employees from citizens Ben Holder and Charles Cherry. These complaints are being investigated by officers in the Police Department's Professional Standards Division pursuant to Chapter 7 of the Greensboro Police Departmental Directives.

Where the employee identified in the complaint is the Department Head, the Professional Standards Division shall be directed to report to the Assistant City Manager for Public Safety for Chain of Command Review provided under Directive 7.2.5.

Upon completion of the investigation and review of the complaints received from Mr. Holder and Mr. Cherry, a report to Council shall be provided in closed session pursuant to North Carolina General Statute § 143-318.11 (1) and (6).

JAC

cc: Michael Speedling, Assistant City Manager  
Ken Miller, Chief of Police  
Jamiah Waterman, Interim City Attorney



March 9, 2012

TO: Denise T. Roth, Interim City Manager

FROM: Jim Clark, Police Attorney

SUBJECT: Conflicts of interest in GPD outside employment

Employees of the Greensboro Police Department (GPD) may apply to work in "outside employment" positions under Departmental Directive (DD) 3.4, and the Chief of Police has sole discretion in determining whether the "outside employment" position conflicts with the employee's duties within the Police Department. "Outside employment" is defined as self-employment or employment by a private employer in a non-law enforcement related capacity in return for salary, wages, tips, or commission. An employee cannot work in outside employment without the authorization of the Chief of Police.

The employee's supervisory chain of command up to the Chief of Police, will review the application and take in such information as they believe necessary and appropriate to determine whether the outside employment conflicts with the interests of the City or the requirements of the employee's duties with the Police Department. This review process passes to the Chief of Police, who as department head has approval authority under the applicable directives.

The City's conflicts of interest rules for employees come from both law and policy. First, several state laws impose strict duties on public employee conduct which includes the avoidance of conflicts of interest that implicate criminal conduct. For instance, North Carolina General Statute §14-230 absolutely forbids sworn officers from willfully failing to discharge their duties, violate their oaths, or willfully or corruptly refusing to discharge their duties. Second, the City's outside employment policy applies across the board to all employees concerning the avoidance of conflicts of interest in employment. As City of Greensboro Employee Policy Number B-10 clearly states, "[T]he City regards the employees' obligations to the taxpayer as being paramount," and an employee "may not work in outside employment if the outside employment creates a conflict of interest as determined by the City or if the outside employment hinders the employee's ability to perform his City job responsibilities." DD 3.4 sets forth a very similar policy for Police Department employees.

Two types of conflicts of interest may arise between City employment and outside employment. First, an employee may experience a conflict between the City and outside work based on time of availability to work. Time conflicts more often occur accidentally rather than due to an intentional choice to neglect City duties, and such conflicts may be handled with lesser degrees of discipline as appropriate to the circumstances. The second type of conflict occurs when an employee's personal interests are determined to outweigh the City's interests, although the City's interests are lawful and the employee is obliged to place the City's interests first. These conflicts, while not necessarily impacting an employee's time of availability or job performance, result in a benefit to the employee in violation of an ethical duty owed to the citizens. This conflict occurs less frequently and is characterized by more deliberate employee conduct that runs contrary to the City's interests or efficient operation.

"Approval" of outside employment does not constitute an absolute guarantee of the employee's continued outside employment. If a conflict of interest arises between the outside employment and City employment, the duties and obligations owed by the employee to the City absolutely supersede outside employment. Where a conflict arises, the employee is obliged to resolve the conflict in favor of the City.

Additionally, supervisory personnel in the employee's chain of command monitor the possibility of any impact from outside employment on an employee's performance on an on-going basis. Supervisory personnel are responsible to ensure their subordinates maintain the full capability to perform their duties as a City employee, and a failure to control this aspect of an employee's work also constitutes a failure of the supervisor to properly perform their duties.

If the conflict is not resolved in favor of the City, the employee may be subject to disciplinary action and the administrative processes of reviewing employee conduct commence. The Professional Standards Division is responsible for investigating all instances of employee conduct which fall below the standards set forth under the Departmental Directives, City policy and applicable laws. The Professional Standards Division need not be notified of any "complaint" of employee misconduct to initiate an investigation. It is the practice and policy of the Professional Standards Division to "self-initiate" an investigation of violations where a member of the Professional Standards Division receives information from any source in which there is reasonable cause to believe an employee violated any rule of conduct.

Finally, with regard to outside employment, it is important to remember that although "employment" is defined specifically to include positions where wages, salary, tips, or commissions are received, other forms of compensation such as distributions or dividends from ownership may also constitute "employment" if the ownership imposes such burdens of time and effort that the nature and character of the burden is the equivalent of "self-employment." However, where an employee owns a small business that imposes minimal duties of a ministerial or executive nature, business ownership obligations do not necessarily constitute "employment."

In practice, the Police Department reviews ownership situations as “self-employment” to make certain conflicts do not exist. Where an employee-owned business grows without any substantial increase in ministerial or executive duties, the outside employment increase in an employee’s business need not be separately reviewed as a form of additional outside employment. Effective and continuous supervisory monitoring of each employee is relied upon to ensure employees are properly capable of fulfilling their duties.

JAC/

Attachment(s):       City of Greensboro Employee Policy B-10  
                              Departmental Directive 3.4

cc:     Michael Speedling, Assistant City Manager  
          Ken Miller, Chief of Police  
          Jamiah Waterman, Interim City Attorney

# Outside Employment

Number: B-10

Revision: 1

Effective Date: 4-1-07

## 1.0 POLICY

The City of Greensboro regards full time (FT) or part-time (PT) employment with the City as the primary occupation that will take precedence over other occupational pursuits in which the employee might be involved.

## 2.0 PURPOSE

Because employee salaries are paid from tax generated revenues and fees, the City regards the employees' obligations to the taxpayer as being paramount. For this reason, the employee is expected to consider employment with the City of Greensboro, whether full time or part-time, as his primary job. In addition, the City requires that other occupational pursuits not be in conflict with City employment or detract from the efficiency of work performance.

## 3.0 SCOPE

This policy applies to all full time (FT) and part-time (PT) employees.

## 4.0 DEFINITIONS

**4.1 Outside Employment** - Self-employment or any employment for salaries, wages, tips, or commission other than the position held with the City of Greensboro.

**4.2 Full Time (FT)** - Budgeted position where an employee works on a continuous, year round basis, in a set role with a regularly recurring work schedule, normally averaging 40 hours per week and is benefit-eligible. Some employees may work other schedules. See **Policy C-1, Appendix, Position Types**.

**4.3 Part-Time (PT)** - Budgeted position where an employee works on a continuous, year round basis, in a set role, with a regularly recurring work schedule of between 20 and 30 hours per week and is benefit-eligible. See **Policy C-1, Appendix, Position Types**.

## 5.0 ORGANIZATIONAL RULES

5.1 Employees may not work in outside employment if the outside employment creates a conflict of interest as determined by the City or if the outside employment hinders the employee's ability to perform his City job responsibilities.

5.2 Employees may not use City sick leave, health or dental insurance benefits as a result of any injury or illness arising out of, or in the course of, any outside employment.

5.3 Failure to seek approval for outside employment as outlined in Section 6.1 below or to

maintain such employment when not approved shall be cause for corrective action up to and including termination. Inappropriate use of sick leave or health or dental insurance as a result of outside employment will result in termination of employment with the City.

## **6.0 PROCEDURES**

6.1 Prior to the commencement of the job or occupation, any employee considering outside employment shall inform, in writing, the immediate supervisor of his intention.

6.2 The supervisor will inform the appropriate Department Director who will review the outside employment and assure that:

A. The nature of the work will not create a conflict of interest with the City position, and

B. The schedule or total hours worked will not conflict with the performance of the employee's duties with the City.

6.3 The decision of whether or not to approve the outside employment is discretionary with the Department Director in consultation with the Human Resources and Legal Departments.

6.4 If the Department Director is unsure if a conflict exists, he should consult the appropriate person in the Human Resources Department for assistance in making the decision.

## **7.0 HUMAN RESOURCES CONTACT**

Human Resources Director

<b>TITLE: OUTSIDE EMPLOYMENT</b>	<b>NUMBER 3.4</b>
<b>EFFECTIVE DATE: 04-26-2010</b>	<b>PAGE 1 OF 2</b>
<b>REVISION HISTORY: (Adopted 09-01-94) R1 04-26-2010</b>	

#### **3.4.1 GENERAL POLICY**

Outside employment is defined as self-employment or employment by a private employer (other than the City of Greensboro) in a non-law enforcement related capacity in return for salary, wages, tips, or commission. Refer to Departmental Directive 3.3 for Off Duty Employment.

An individual's employment by the Department takes precedence over any other occupational interests. The City authorizes the Department to review and regulate outside employment to avoid conflicts of interest.

#### **3.4.2 DECLARATION OF OUTSIDE EMPLOYMENT**

Each employee who wishes to engage in outside employment must submit a "Request for Outside Employment" form through channels to the Chief of Police prior to initiating such employment. Each successive supervisor will indicate their approval or denial of the request. If the request is approved with restrictions or denied, comments must be included stating the reasons supporting this finding. The Office of the Chief of Police will ensure a copy of the completed form is returned to the employee in a timely fashion following the review process. The original completed request form will be maintained in the Resource Management Division.

Requests are for specific employers and duties; employees must submit additional requests should outside employment circumstances materially change. The employee will provide a memo to the Chief of Police, through channels, should they decide to no longer participate in any outside employment which had been previously approved, or if they are terminated by the outside employer.

#### **3.4.3 RESTRICTED ACTIVITIES**

Employees may not engage in outside employment during any duty day in which normal sick leave was taken or during regular duty hours if family sick leave is used. Absent prior approval from their Bureau Commander, employees may not engage in outside employment while on limited duty or Worker's Compensation.

Both exempt and non-exempt employees who elect to work outside employment at a date and time they are normally scheduled to work regular duty must submit the appropriate leave. Employees may not use flexible time or adjusted work hours in lieu of submitting leave in such circumstance. Except, non-exempt employees may be allowed to work outside employment during regularly scheduled duty time without submitting leave when they have met the work hour requirements for the respective time cycle. In these cases, the work hours must be accurately documented in TeleStaff and approved by the employee's supervisor.

Members shall not perform duties for compensation for any person or firm connected to outside employment during scheduled duty hours.

<b>TITLE: OUTSIDE EMPLOYMENT</b>	<b>NUMBER 3.4</b>
	<b>PAGE 2 OF 2</b>

Members are prohibited from wearing any departmentally issued clothing items, or utilizing any issued equipment while engaging in outside employment. Sworn members shall ensure that their badge, identification card, or issued/authorized weapon are not readily visible, if worn.

Members may not work outside employment to an extent that it detrimentally affects their fitness for regular duty.

Members involved in outside employment as instructors shall state that neither they nor their instructional material are endorsed by or are policy or practice of the Greensboro Police Department.

Section B-10 of the City of Greensboro Personnel Manual states:

- Employees may not use City sick leave, health or dental insurance benefits as a result of any injury or illness arising out of, or in the course of, any outside employment.
- Failure to seek approval for outside employment as outlined herein or to maintain such employment when not approved shall be cause for disciplinary action up to and including termination. Inappropriate use of sick leave or health or dental insurance as a result of outside employment will result in termination of employment with the city.

## REQUEST FOR OUTSIDE EMPLOYMENT

This form is to be used by any Police Department employee requesting permission for approval to engage in any outside employment.

<b>Employee Name</b>		<b>Employee Lawson Number</b>
<b>Employee Job Title</b>		<b>Department</b>

Outside employer name and address (employee name if self-employed)

<b>Describe the type of business (construction, sales, maintenance, etc) and the type work to be performed</b>

Describe the proposed work schedule as to days worked, hours of work, whether weekends or holidays are worked, etc.

My signature below is an acknowledgement that I have read and I understand the City of Greensboro's Policy B-10 and Greensboro Police Department Directive 3.4; "Outside Employment". I also acknowledge the City of Greensboro is my principal employer and any outside employment, if approved, will not interfere with my job duties performed for the City or otherwise limit my ability to perform those duties. If the outside employment request is approved, I agree to keep my supervisor and department director informed of any change in the conditions of my outside employment or changes in the employment relationship, including any disciplinary action up to and including discharge from employment. I further agree to not wear City uniforms or other clothing with City insignia that could possibly give the appearance that my outside employment is sanctioned by or provided on behalf of the City of Greensboro. I understand the City's outside employment policy prohibits me from engaging in any form of outside employment or business opportunity, for myself or another employer, that would conflict with or interfere with my job at the City, or while working on City time, or using City equipment or materials. I also understand that in order to engage in outside employment, I must receive approval from my supervisor and Department Director in advance of performing such outside employment and such approval, if granted, may be withdrawn at any time.

**Employee Signature:**

Date: \_\_\_\_\_

**Recommended Action:**

<b>Immediate Supervisor's Review:</b> <input type="checkbox"/> Approve (with restrictions-see below) <input type="checkbox"/> Approve (without restrictions) <input type="checkbox"/> Denied (see below)	
<b>Supervisor's Signature</b>	<b>Date:</b>

Employee Name \_\_\_\_\_

**Supervisor's Review (If applicable):**

- ☐ Approve (with restrictions-see below)  
☐ Approve (without restrictions)  
☐ Denied (see below)

\_\_\_\_\_  
**Supervisor's Signature**

\_\_\_\_\_  
**Date:**

**Supervisor's Review (If applicable):**

- ☐ Approve (with restrictions-see below)  
☐ Approve (without restrictions)  
☐ Denied (see below)

\_\_\_\_\_  
**Supervisor's Signature**

\_\_\_\_\_  
**Date:**

**Supervisor's Review (If applicable):**

- ☐ Approve (with restrictions-see below)  
☐ Approve (without restrictions)  
☐ Denied (see below)

\_\_\_\_\_  
**Supervisor's Signature**

\_\_\_\_\_  
**Date:**

**Police Chief's Review:**

- ☐ Approve (with restrictions-below)  
☐ Approve (without restrictions)  
☐ Denied (see below)

\_\_\_\_\_  
**Police Chief's Signature**

\_\_\_\_\_  
**Date:**



March 7, 2012

TO: Mayor and Members of City Council

FROM: Jamiah Waterman, Interim City Attorney

**SUBJECT: The Release of an Employee's Outside Employment Form**

I write to address whether the City Council may release a Greensboro Police Department employee's outside employment form. The Greensboro Police Department maintains a policy concerning outside employment<sup>1</sup>. The policy provides that "an individual's employment by the Department takes precedence over any other occupational interests<sup>2</sup>." The Department reviews and regulates employees' outside employment for a variety of reasons including, but not limited to: avoiding conflicts of interest; ensuring that employees are available for work; and avoiding abuse of sick leave and other City benefits. The general rule is that all records created in connection with the transaction of City business are public<sup>3</sup>. However, personnel files of City employees are confidential and may only be released in limited circumstances<sup>4</sup>. An employee's personnel file is defined by state statute to include:

**any information in any form gathered by the city with respect to that employee** and, by way of illustration but not limitation, relating to his application, selection or nonselection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment<sup>5</sup>. [Emphasis Added]

An employee's completed outside employment form is a part of his personnel file. The completed form contains information that is gathered by the City with respect to that employee. The City gathers the following information from the employee: the name of the outside employer; the address of the outside employer; the line of work the employee performs in the outside employment; and the employee's work schedule for the outside employer<sup>6</sup>. Since the outside employment form is a part of the employee's personnel file it may only be disclosed pursuant to the terms of N.C.G.S. § 160A-168.

N.C.G.S. 160A-168 makes certain personnel information a matter of public record. An employee's name, age, current position and salary among other things are made public by N.C.G.S. 160A-168. However, there is nothing in N.C.G.S. § 160A-168 that authorizes the City Council to independently release an employee's outside employment form. It has been suggested

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<sup>1</sup> Greensboro Police Department Directive 3.4, Outside Employment.

<sup>2</sup> Ibid.

<sup>3</sup> N.C.G.S. § 132-1.

<sup>4</sup> N.C.G.S. § 160A-168(a).

<sup>5</sup> Ibid.

<sup>6</sup> Greensboro Police Department Directive 3.4, Outside Employment.

that the City Council may vote to release an employee's outside employment form to the public. In actuality, the City Council can only vote to release personnel information to the public in one very narrow circumstance. The City Council, in concurrence with the City Manager, may vote to inform the public of:

the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action<sup>7</sup>.

Accordingly, the City Council can only vote to release an employee's outside employment form to the public when the form makes up part of the reasons for a personnel action as enumerated above. If there is no personnel action involved, the City Council may not rely on the provisions of N.C.G.S. § 160A-168(c)(7). Even in situations involving personnel actions, the City Manager must first determine in writing that the release of the outside employment form is essential to maintaining public confidence in the administration of City services or maintaining the level and quality of City services<sup>8</sup>.

An employee's completed outside employment form is part of his personnel file because it contains information gathered by the City with respect to that employee. Personnel files may only be released pursuant to the provisions of N.C.G.S. § 160A-168. There is nothing in the statute that authorizes releasing an employee's completed outside employment form independent of a personnel action concerning the employee. Therefore, it is my opinion that the City Council may not release an employee's outside employment form to the public independent of a personnel action concerning the employee.

Feel free to contact me if you should have any questions or concerns about this opinion.

cc: Denise Turner Roth, Interim City Manager

Attachments: 1. Greensboro Police Department Directive 3.4, Outside Employment.  
2. N.C.G.S. § 132-1.  
3. N.C.G.S. § 160A-168.

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<sup>7</sup> N.C.G.S. § 160A-168(c)(7).

<sup>8</sup> Ibid.

## Attachment 1

<b>TITLE: OUTSIDE EMPLOYMENT</b>	<b>NUMBER 3.4</b>
<b>EFFECTIVE DATE: 04-26-2010</b>	<b>PAGE 1 OF 2</b>
<b>REVISION HISTORY: (Adopted 09-01-94) R1 04-26-2010</b>	

#### **3.4.1 GENERAL POLICY**

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<b>TITLE: OUTSIDE EMPLOYMENT</b>	<b>NUMBER 3.4</b>
	<b>PAGE 2 OF 2</b>

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Employee Job Title	Department

Outside employer name and address (employee name if self-employed)

Describe the type of business (construction, sales, maintenance, etc) and the type work to be performed

Describe the proposed work schedule as to days worked, hours of work, whether weekends or holidays are worked, etc.

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Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Recommended Action:

#### Immediate Supervisor's Review:

- ☐ Approve (with restrictions-see below)
- ☐ Approve (without restrictions)
- ☐ Denied (see below)

Supervisor's Signature \_\_\_\_\_

Date: \_\_\_\_\_

Employee Name \_\_\_\_\_

<b>Supervisor's Review (If applicable):</b> <input type="checkbox"/> Approve (with restrictions-see below) <input type="checkbox"/> Approve (without restrictions) <input type="checkbox"/> Denied (see below)	
Supervisor's Signature _____	Date: _____

<b>Supervisor's Review (If applicable):</b> <input type="checkbox"/> Approve (with restrictions-see below) <input type="checkbox"/> Approve (without restrictions) <input type="checkbox"/> Denied (see below)	
Supervisor's Signature _____	Date: _____

<b>Supervisor's Review (If applicable):</b> <input type="checkbox"/> Approve (with restrictions-see below) <input type="checkbox"/> Approve (without restrictions) <input type="checkbox"/> Denied (see below)	
Supervisor's Signature _____	Date: _____

<b>Police Chief's Review:</b> <input type="checkbox"/> Approve (with restrictions-below) <input type="checkbox"/> Approve (without restrictions) <input type="checkbox"/> Denied (see below)	
Police Chief's Signature _____	Date: _____

## Attachment 2

**Chapter 132.**  
**Public Records.**

**§ 132-1. "Public records" defined.**

(a) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

(b) The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information. (1935, c. 265, s. 1; 1975, c. 787, s. 1; 1995, c. 388, s. 1.)

## Attachment 3

**§ 160A-168. Privacy of employee personnel records.**

(a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a city are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the city with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or nonselection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the city.

(b) The following information with respect to each city employee is a matter of public record:

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment to the service.
- (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession.
- (5) Current position.
- (6) Title.
- (7) Current salary.
- (8) Date and amount of each increase or decrease in salary with that municipality.
- (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
- (10) Date and general description of the reasons for each promotion with that municipality.
- (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
- (12) The office to which the employee is currently assigned.

(b1) For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.

(b2) The city council shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the city council may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

(c) All information contained in a city employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

- (1) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- (2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (3) A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.

- (5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- (6) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- (7) The city manager, with concurrence of the council, or, in cities not having a manager, the council may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action. Before releasing the information, the manager or council shall determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services. This written determination shall be retained in the office of the manager or the city clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

(c1) Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:

- (1) Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the city's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
- (2) Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
- (3) Information that might identify an undercover law enforcement officer or a law enforcement informer.
- (4) Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

(c2) The city council may permit access, subject to limitations they may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that person certifies that he will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the city as long as each personnel file examined is retained.

(c3) Notwithstanding any provision of this section to the contrary, the Retirement Systems Division of the Department of State Treasurer may disclose the name and mailing address of former local governmental employees to domiciled, nonprofit organizations representing 2,000 or more active or retired State government, local government, or public school employees.

(d) The city council of a city that maintains personnel files containing information other than the information mentioned in subsection (b) of this section shall establish procedures whereby an employee who objects to material in his file on grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place in the file a statement relating to the material.

(e) A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is

guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars (\$500.00).

(f) Any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00). (1975, c. 701, s. 2; 1981, c. 926, ss. 1-4; 1993, c. 539, ss. 1084, 1085; 1994, Ex. Sess., c. 24, s. 14(c); 2007-508, s. 7; 2008-194, s. 11(e); 2010-169, s. 18(f).)



March 9, 2012

**TO:** Denise T. Roth, Interim City Manager

**FROM:** Adam Fischer, GDOT Director

**SUBJECT:** High Point Road Project (TIP Project U-2412)

The North Carolina Department of Transportation (NCDOT) has scheduled construction to begin in September 2012 on the much anticipated High Point Road Improvements between Hilltop/Groometown Road and Vickery Chapel Road. This section of High Point Road will be improved from a narrow 2-lane facility to a 6-lane median divided facility. High Point Road will be placed on a new alignment in some areas to avoid historic property designations and school properties. The total estimated cost of the project is \$56,800,000.

Due to the historic property designation of the former Jefferson Pilot campus at 5300 High Point Road, High Point Road will be routed on a new alignment around the rear of the historic property close to and parallel to the Norfolk Southern rail line. High Point Road will be on this new alignment starting at Roland Road (Old Sedgefield Driving Range) to Anson Drive (Adams Farm Shopping Center). The old section of High Point Road between Roland Road and Anson Drive will remain as a local street.

A new innovative "Diverging Diamond" interchange with I-73 will be constructed along this newly aligned section of High Point Road. The Diverging Diamond Interchange (DDI) will reduce construction costs while facilitating more efficient traffic flow than a traditional "clover leaf" interchange. The DDI removes conflict points between through traffic and left turning traffic and reduces the need for loop ramps. As traffic approaches the DDI, through traffic will be switched to the left side of the roadway at a signalized intersection and will proceed through the interchange on the left side of the roadway. Exiting maneuvers from High Point Road onto I-73 will be made unopposed through the DDI. Once traffic has proceeded through the DDI, through traffic will revert back to the standard traffic flow (right side) at another signalized intersection. (*See attached schematic Diverging Diamond Interchange design*)

In order to avoid impacts to area schools (Millis Road Elementary, Ragsdale High, and GTCC), High Point Road will be routed on a new alignment starting at Guilford College Road through to Vickery Chapel Road. The first Phase of the High Point Road Improvement Project will terminate at Vickery Chapel Road. The old section of High Point Road between Guilford College Road and Millis Road will be removed and new connection to the new High Point Road section will be established to provide access to the schools.

The second Phase of the High Point Road Improvement project is currently unfunded by NCDOT. The second Phase improvements will route High Point Road on new alignment around the Town of Jamestown, starting at Vickery Chapel Road and terminating at US 311 in High Point. (*See attached High Point Road Map*)

To view the High Point Road Improvement Project in more detail as well as other major projects in our urbanized area please go to <http://www.greensboro-nc.gov/index.aspx?page=2198> and click on the "Road Project Mapping Tool" Citizens can also contact the City of Greensboro Department of Transportation at 373-4368 to obtain more information about the High Point Road Improvement Project and other area roadway improvement projects.

AF

Attachments

cc: Mike Speedling, Assistant City Manager



## High Point Road Project U-2412 B

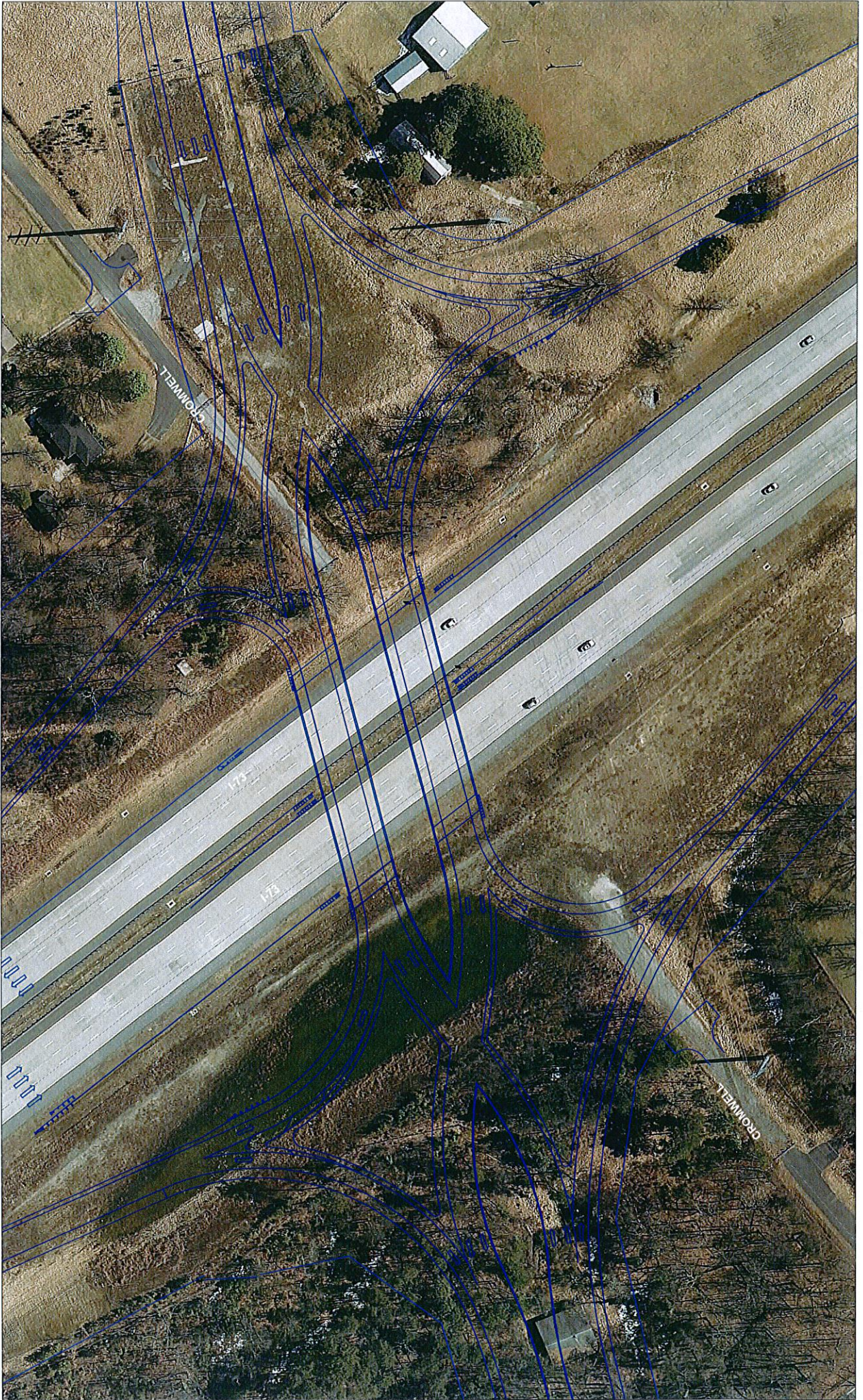
March 1, 2012





# High Point Road Project U-2412 B

March 1, 2012





March 9, 2012

**TO:** Denise T. Roth, Interim City Manager  
**FROM:** D. Dale Wyrick, P.E., Director, Field Operations  
**SUBJECT:** Request for Proposal Schedule for Recycling Processing

Per your request, I have instructed HDR, Inc. to begin the process of developing a request for proposals (RFP) for our recycling processing function. Based on initial discussions, the following schedule has been established through the issuance of this RFP:

- DRAFT RFP for staff review by March 21, 2012
- Distribute DRAFT RFP in IFYI for Council Review on March 23, 2012
- RFP Presentation to Council at March 27, 2012 Work Session
- RFP Issuance: April 2, 2012

The remainder of the process schedule has not been determined at this time.

In addition, staff will be working with HDR, Inc. to develop a draft request for proposals for solid waste disposal from the City's transfer station in the event that is the direction that Council chooses. My goal is to have a draft RFP for solid waste disposal on a similar timeline as shown above.

If further is required, please advise.

ddw



March 1, 2012

**TO:** Denise T. Roth, Interim City Manager

**FROM:** Mary Jutte, Contact Center Manager

**SUBJECT:** Quarterly Contact Center Survey Results & Follow-up

The most recent quarterly satisfaction survey conducted by the City Contact Center once again resulted in high marks for the Contact Center (survey results attached).

- 99.4% of respondents reported that we were courteous.
- 99.5% of respondents reported that we were helpful.
- 97.9% of respondents were satisfied with the outcome of the call.

Areas for improvement were:

- 2.1% of respondents who were not satisfied with the outcome of the call.
- 18% of respondents who indicated that this was not their first call about their issue.

Actions that we have taken/will take to improve these results are:

- Continue our MAP work of defining standard time-frames for work to be completed, so that we can give callers the best information regarding what they should expect in terms of next steps and resolution of an issue.
- Escalating calls to the right person in the responsible department to get to an immediate solution when the Contact Center is not able to resolve it on our own.
- Meeting regularly with the departments to fine-tune processes as needed.

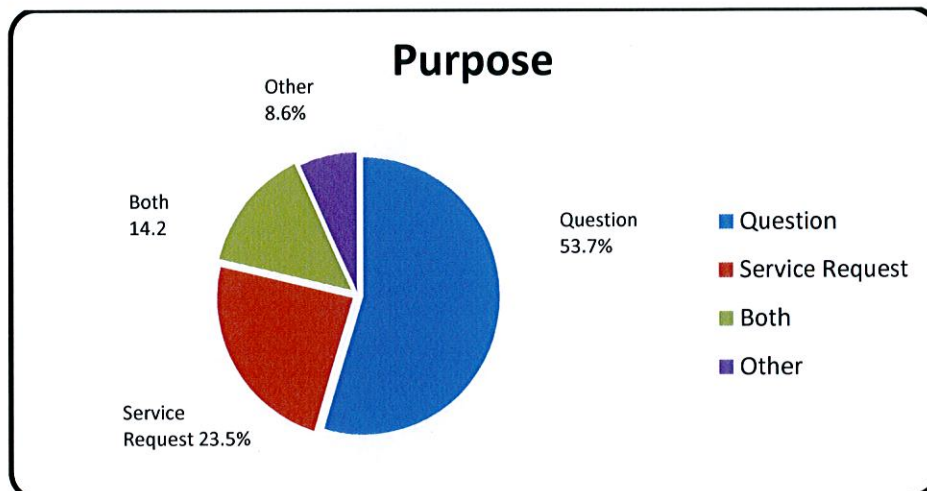
MJ  
Attachment

March 1, 2012

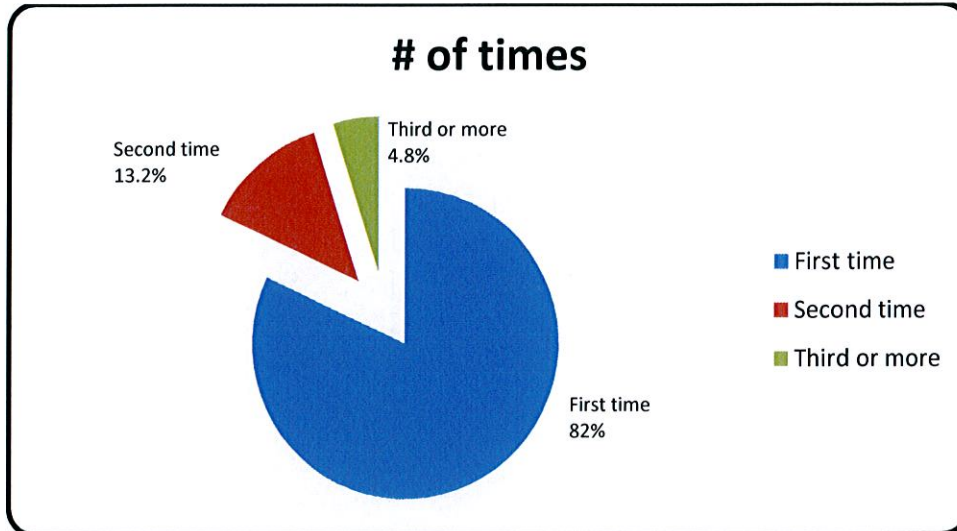
**TO:** Denise T. Roth, Interim City Manager  
**FROM:** Mary Jutte, Contact Center Manager  
**SUBJECT:** Contact Center Annual Survey

For the two week period starting January 23, 2012, the Contact Center offered all callers to our 373-CITY (2489) line an opportunity to provide feedback by completing an automated after-call survey. 717 callers (of 9,502 callers, or 7.5%) chose to respond to the survey. The results of the survey are given below.

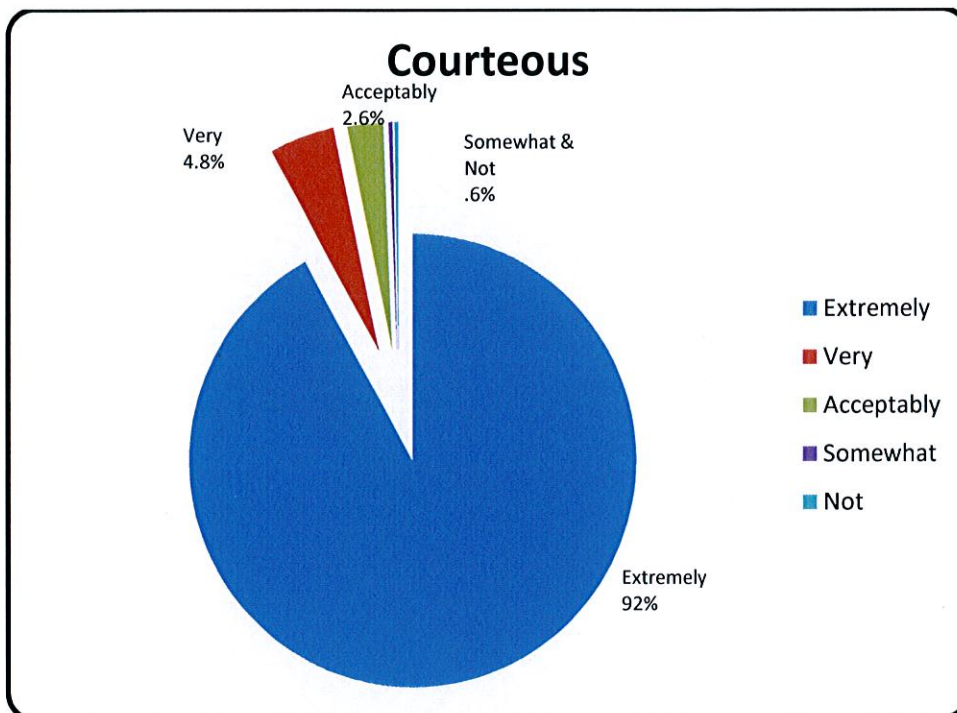
The first question we asked was "What was the purpose of your call?". The results were:



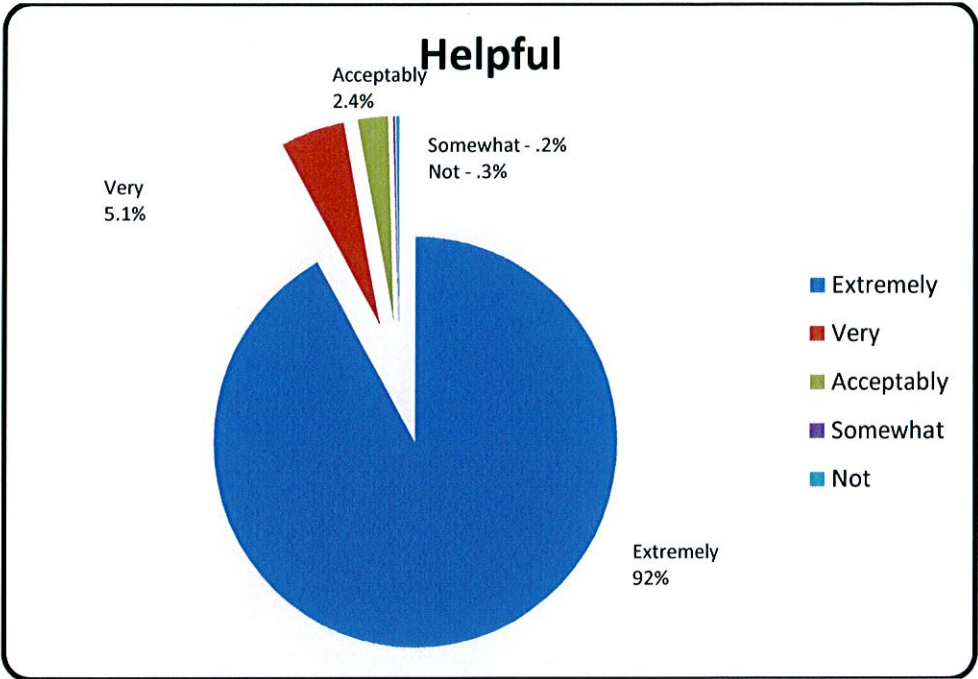
The second question was “Is this the first time you called with this concern?”. The results were:



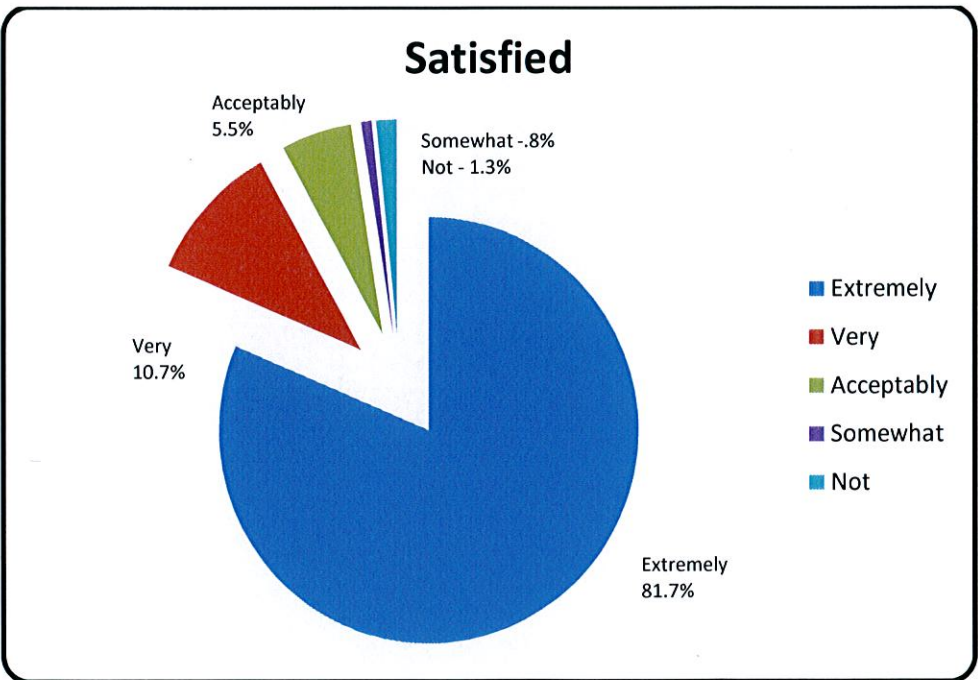
The third question was “Was the person you spoke to courteous throughout the call?”. The results were:



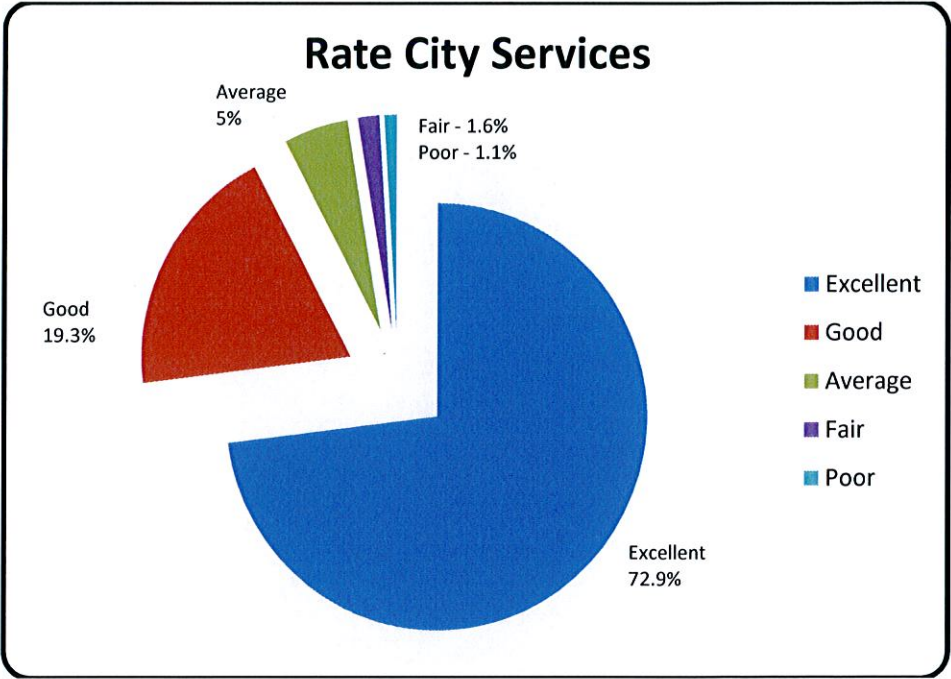
The fourth question was “Was the person you spoke to helpful?”. The results were:



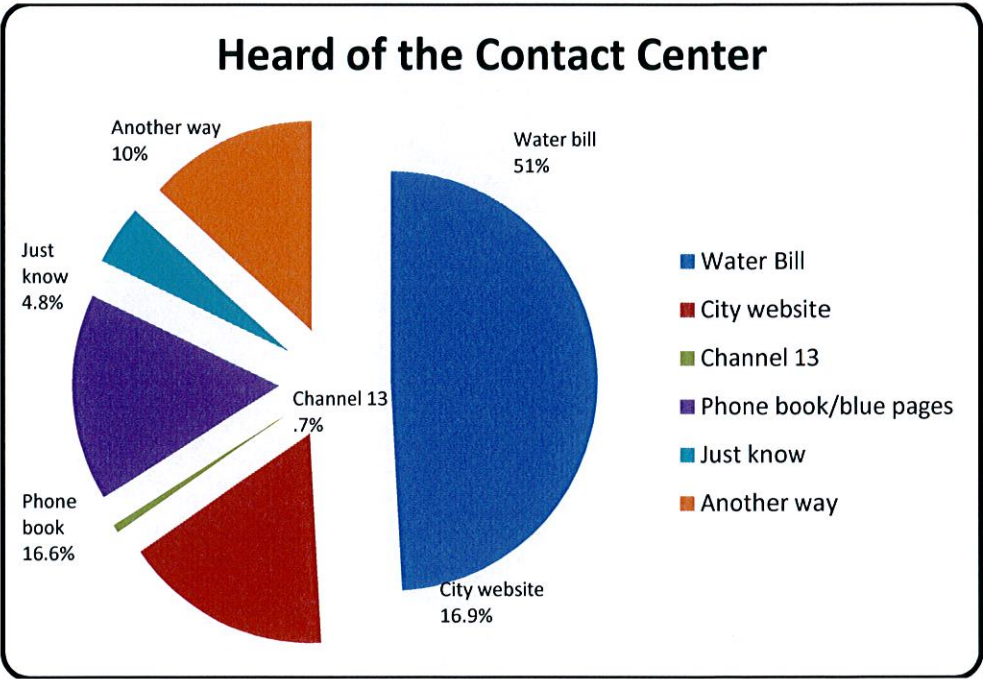
The fifth question was “How satisfied were you with the outcome of the call?”. The results were:



The sixth question was “Based on your dealings with the City of Greensboro, how would you rate our services?”. The results were:

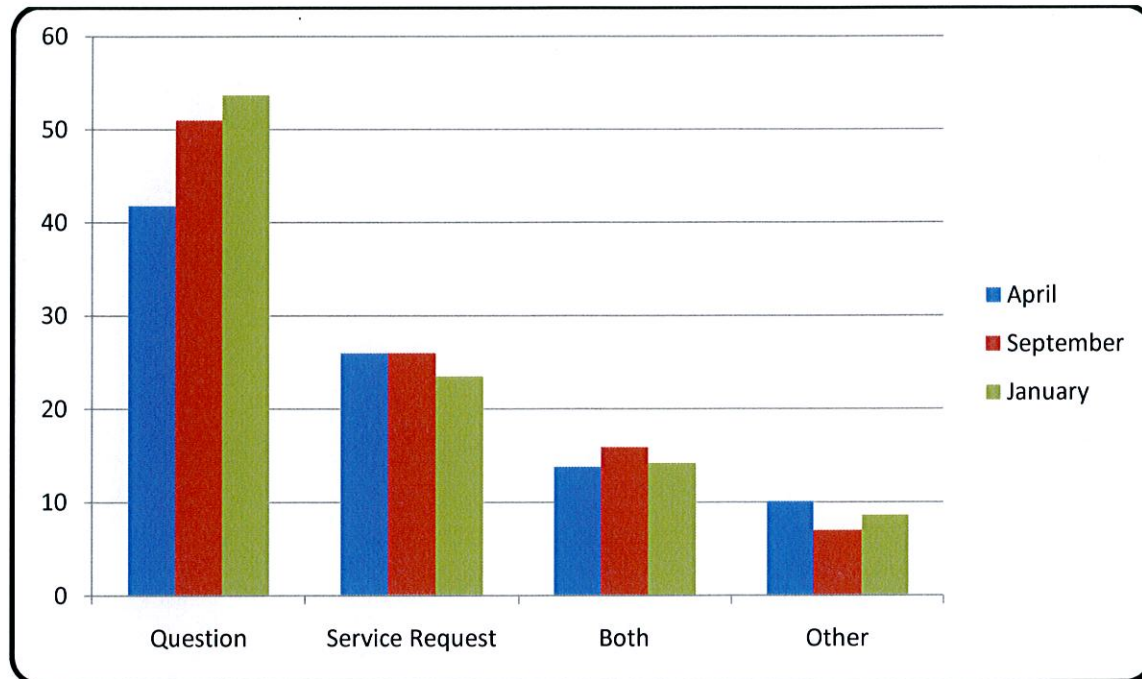


The last question was “Where did you hear about the Contact Center so that you could call us today?”. The results were:

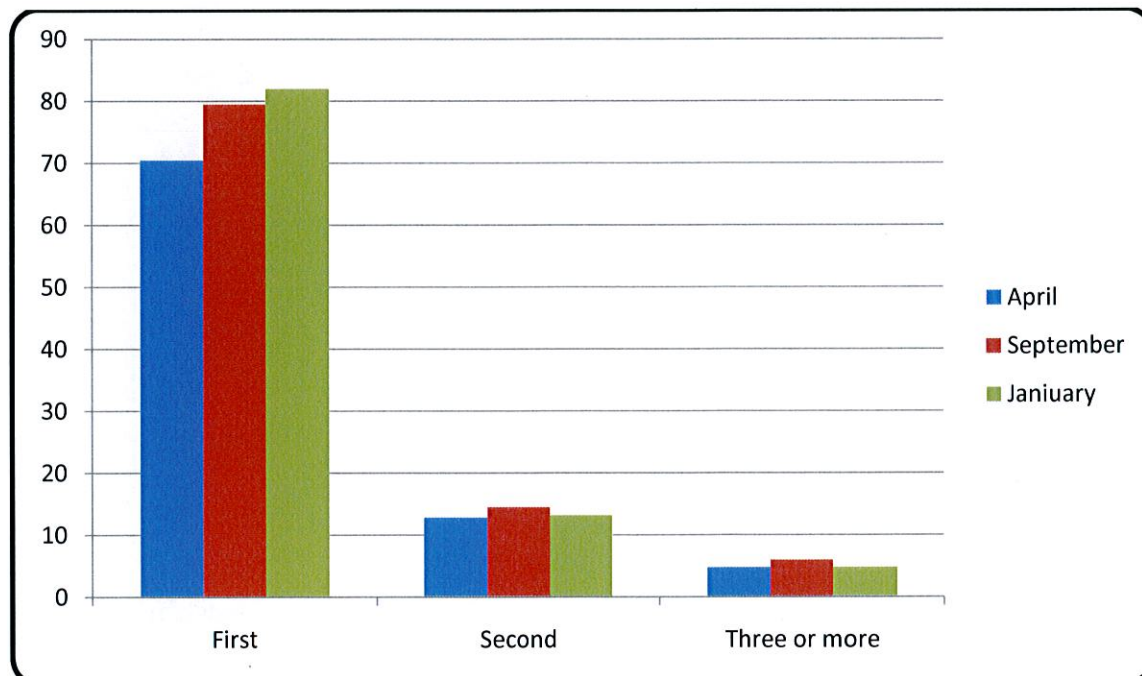


Below you will find a comparison of this survey with the ones conducted in April and September of 2011. (All numbers are percentages.)

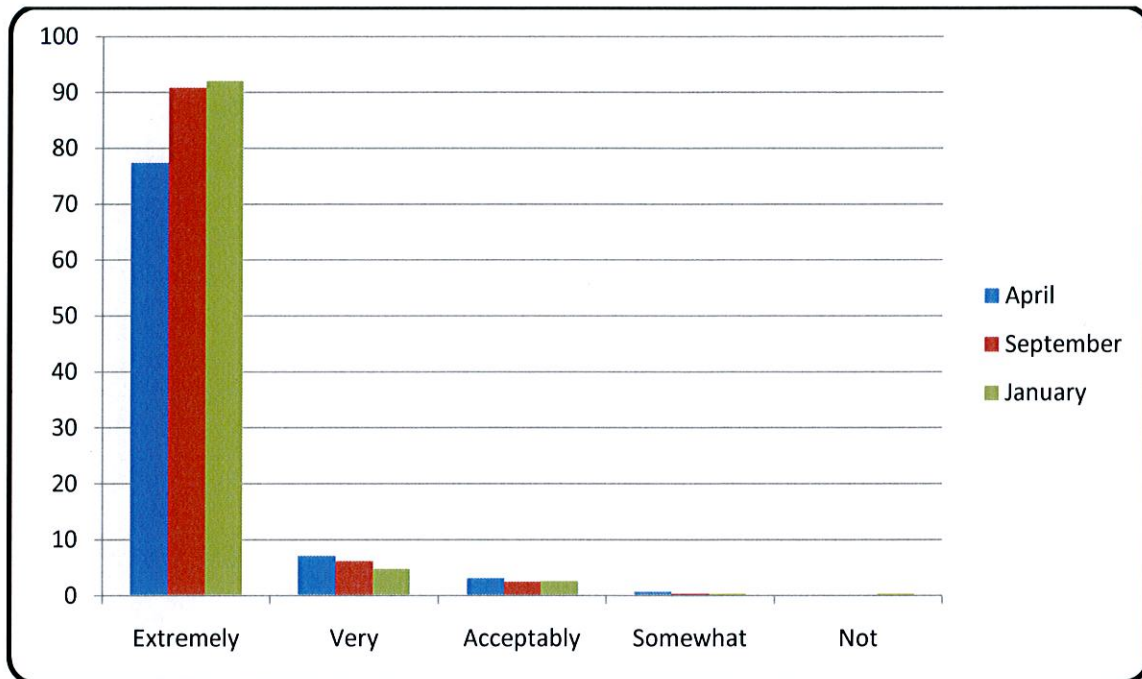
Question 1: What was the purpose of your call?



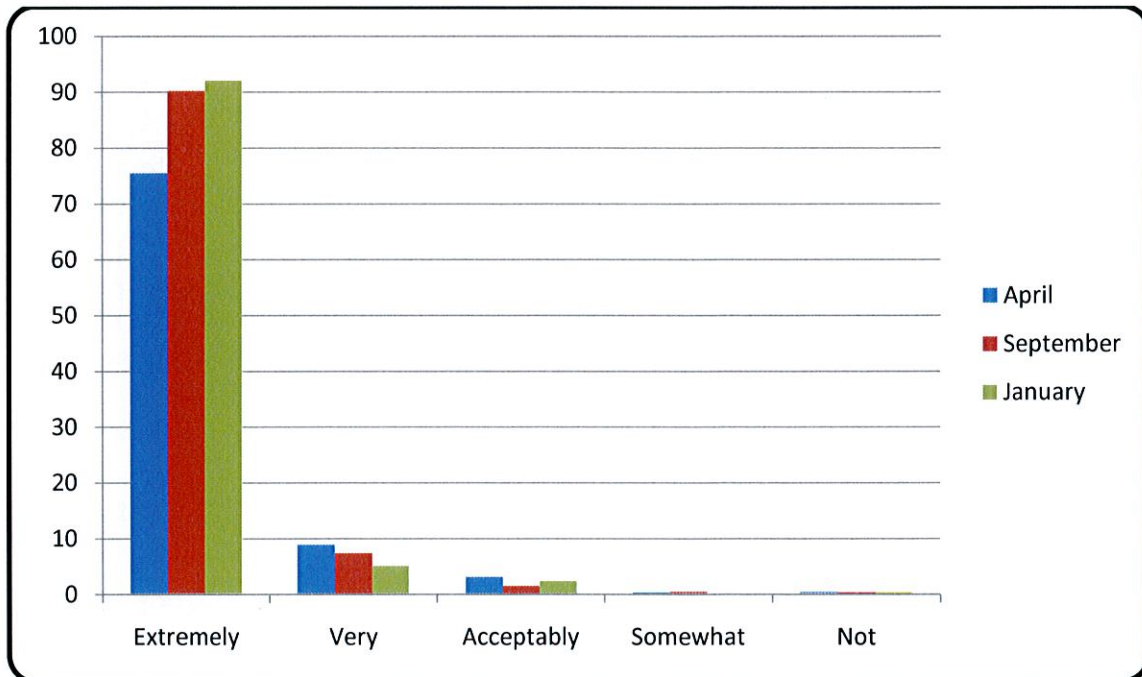
Question 2: Is this the first time you called with this concern?



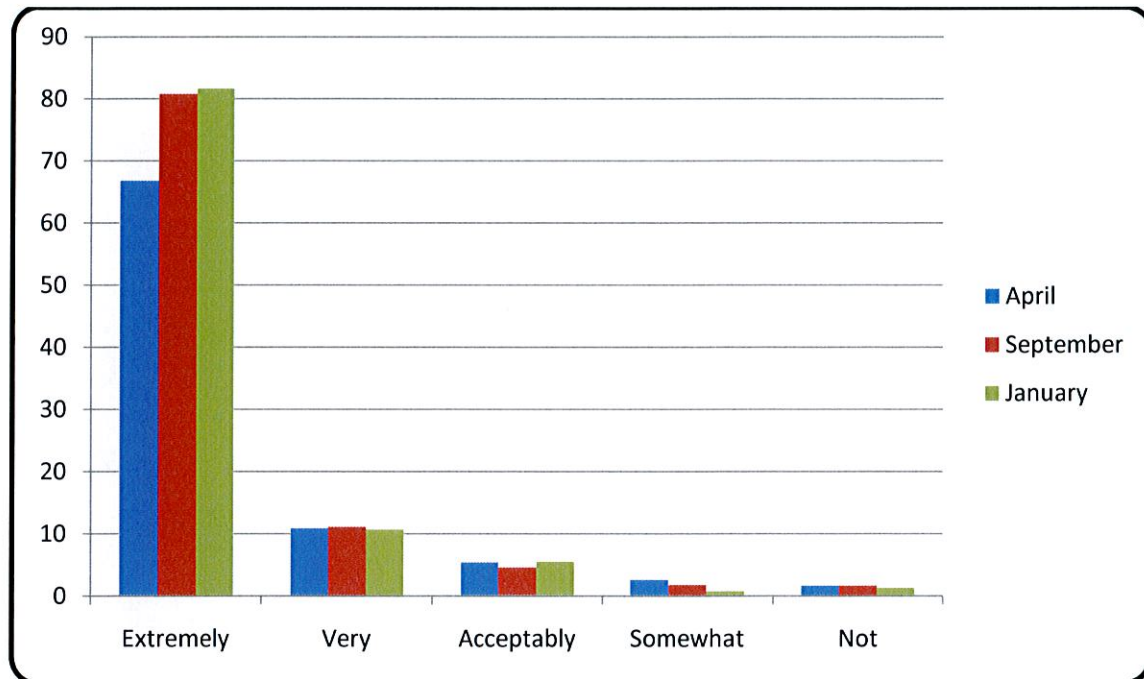
Question 3: Was the person you spoke to courteous throughout the call



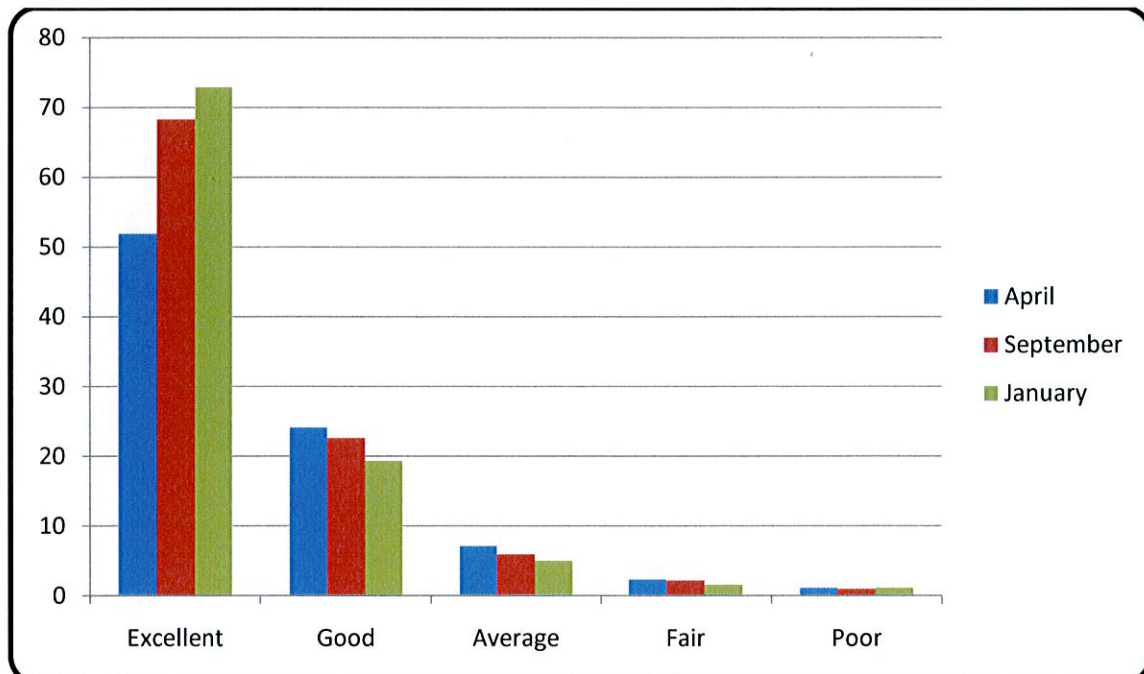
Question 4: Was the person you spoke to helpful?



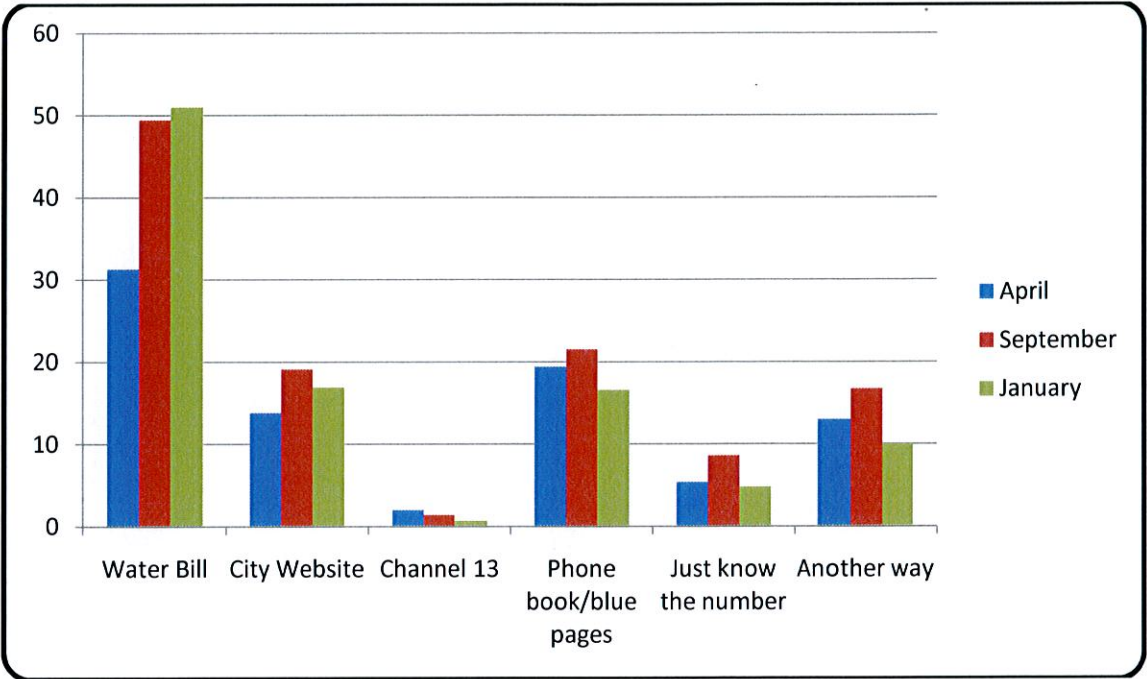
Question 5: How satisfied were you with the outcome of the call?



Question 6: Based on your dealings with the City of Greensboro, how would you rate our services?



Question 7: Where did you hear about the Contact Center so that you could call us today





## City of Greensboro Grant Applications Submitted

<u>Grantor</u>	<u>Grants Projects / Description of Purpose</u>	<u>Amount Requested</u>	<u>Department Requesting Funding</u>	<u>Council Notification Date</u>	<u>Status</u>
Federal Emergency Management Agency	A rescue company of 15 positions is currently needed to adequately protect the City of Greensboro. The grant funding period is for two years and is renewable.	\$1,275,285	Fire Department	March 9, 2012	Approved by the City Manager's office on March 8, 2012.
Department of Housing and Urban Development	The US Department of Housing and Urban Development Grant funds the conduct of fair housing testing in conjunction with the work of the Human Relations Department and their role in fair housing investigation and enforcement.	\$109,365	Human Relations	March 9, 2012	Approved by the City Manager's office on March 8, 2012.
NC Firefighters' Burned Children Fund	The grant funds purchase of the "Dusty the Smoke Smelling Dragon" program to teach fire safety messages to small children. The program can also be used to teach Halloween Safety, Stranger Danger and Bike Safety.	\$620	Fire Department	February 17, 2012	Submitted
Easton Foundation	Grant provides \$5,000 worth of specialized archery equipment plus scholarships to cover training, travel, accommodations and meals for selected Parks and Rec professionals.	\$5,000	Parks and Recreation Department	February 10, 2012	Approved by Department on February 6, 2012
Community Foundation of Greater Greensboro - Teen Grantmaking Council	Camille's Magic Closet provides new and gently used prom dresses and accessories to underprivileged young women for their proms.	\$2,000	Parks and Recreation Department	January 13, 2012	Approved by Department on December 20, 2011
NC Department of Administration - Youth Advocacy and Involvement Office	Grant will provide a conference for youth across the state to attend and participate in activities and training focusing on leadership and teambuilding skills.	\$500	Parks and Recreation Department	January 13, 2012	Approved by Department on September 15, 2011